

THE STATUS OF RELIGIOUS LIBERTY FOR MINORITY FAITHS IN EUROPE AND THE OSCE

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED FIFTH CONGRESS FIRST SESSION

DECEMBER 5, 1997

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FRIDAY, DECEMBER 5, 1997

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
WASHINGTON, DC.

The hearing was held in the Erivan Karl Haub Executive Conference Center, 33 City Avenue, St. Joseph's University, Philadelphia, Pennsylvania, at 10 a.m., Hon. Christopher H. Smith, Co-Chairman, presiding.

Members present: Hon. Christopher H. Smith, Co-Chairman; Hon. Joseph R. Pitts; Hon. Jon D. Fox

Witnesses present: Most Reverend Joseph F. Martino; Michael Slotznick; Rabbi Andrew Baker; Antonios Kireopoulos; Sharon R. Payt, Esquire; and Professor Paul Marshall

Fr. RASHFORD. Let me take a moment to welcome everyone. We think it's very fitting that you should be here today. Fitting in the way that we first came to Philadelphia as Jesuits in 1733, came into what's now known as Old St. Joseph's and had not built a chapel for more than a couple of months when it was burned down in terms of religious persecution; so it was rebuilt. The second time it was rebuilt it was burnt down. So the third time the Jesuits moved into the chapel and lived in the chapel and from that point on it didn't get burned down. Still, a very short time later, one of the things that occurred was that all of the buildings and all of the property around the chapel were taken and used by other people and suddenly there was no longer access to the chapel. So it had to go to a court of law and in that court of law Justice Willings said you have to have access to your chapel. Today that street is now known as Willings Alley in the location of Old St. Joseph's, and it's after Justice Willings that came into being.

We think that all issues of human rights are very important issues. We are glad you're doing what you're doing and we're very glad that you're doing it at St. Joseph's.

OPENING STATEMENT OF HON. JON D. FOX

Mr. FOX. I'd like to thank everyone for coming here today for this very important occasion, this Helsinki Commission hearing on religious persecution. Chairman Smith and Congressman Pitts, we've enjoyed a very close relationship, but probably nothing we are working on is more important than this subject and these hearings today. I appreciate the interest, time and efforts by Chairman Smith and his staff to bring forth this hearing. I also want to thank Father Nicholas Rashford of St. Joseph's University for his kindness in allowing the field hearing to take place on his campus. We also want to thank all of the witnesses who have traveled long distances to give their expert testimony before this panel today and our guests who have taken this time out of their busy schedules to come to this field hearing.

It is important for all of us to recognize the importance of this hearing today. It serves to educate this panel of Members of Congress, the audience and, hopefully, the Nation at large. This will be the first in a series of nationwide and regional hearings on religious persecution and what we can do to prevent it and to make sure that religious freedom is preserved.

If even one person in the world is persecuted for his or her beliefs, then we are all in danger of being persecuted and we are all lesser for that loss. Therefore, we must all join together to prevent any and all discrimination. Much like a class action lawsuit or a suit for crimes against humanity, these are crimes against all of us.

Standing together against persecution is a worldwide effort. We in this room are taking one small step in the fight against religious discrimination. All over the world countries are holding similar public forums or even secret and private meetings to establish an agenda for ending religious discrimination. Here in the United States, we must prepare a legislative and administrative plan to make sure that this country does not lessen its vigilance against intolerance. Education for the public is the first step. I hope this hearing today is but one of many public dialogs on worldwide religious persecution. The biggest threat to open and informative discussion on religious persecution comes from rogue leaders and unstable nations. These people and places tend to reject conflicting individual ideas, especially those found in religion. Instead, they command one uniform religion or even atheism.

As we listen to the testimony of our honored guests this afternoon, I would ask that we remember the nation-states, sects and populations that practice intolerance and persecution. Let us hear their testimony keeping in mind the future. We must leave here today with the beginnings of concrete steps to battling religious persecution worldwide, and I look forward also to working with each of you on legislation.

In fact, the Wolf-Specter Bill that's in Congress will ensure that we have economic sanctions where appropriate, expedite emigration, and the office of religious persecution in the White House which would be created and issue an annual report—country by country—to the President on religious persecution and make suggestions on how U.S. foreign policy can alleviate the problem of religious persecution.

I also want to thank Michael Slotznick and the American Jewish Committee for their help in initially talking to us and also the efforts of the Jewish Exponent Steve Feldman for coming forward to give the information to the public, which is so essential to moving the advocacy forward.

So I thank you again, Mr. Chairman, for the opportunity of an opening statement and I look forward to the hearing.

Mr. SMITH. Thank you very much, Mr. Fox. I thank you and Mr. Pitts for conceiving this idea of having a field hearing for the Commission on Security and Cooperation in Europe and I'd like to yield to my good friend, Mr. Pitts.

OPENING STATEMENT OF HON. JOSEPH R. PITTS

Mr. PITTS. Thank you, Mr. Chairman. Thank you, Father Rashford, for your hospitality today. Thank you, Mr. Chairman, for hosting this event under the auspices of the Helsinki Commission, the United

States agency which monitors the activities of the Organization for Security and Cooperation in Europe. There are key trends in a number of OSCE countries which threaten to undermine one of the most basic human rights of all: religious freedom. The fact that we are holding this hearing reflects the deep-seated belief in the importance of religious freedom to the U.S. Congress and the American people.

I would like to personally extend a warm welcome to one of my constituents, Mr. Michael Slotznick, a member of the Board of Directors of the American Jewish Committee. It was largely through his efforts and those of the American Jewish Committee that the idea of this hearing began. I commend Mr. Slotznick and Rabbi Baker and the American Jewish Committee for their interest in this issue, and I applaud their desire to assist those of other faiths who are suffering for their beliefs. The Jewish community has suffered tremendous persecution for their faith and has extensive knowledge about some of the most effective ways of fighting this persecution. Thank you for being here today and sharing your personal expertise with us.

In addition, I also extend my sincere gratitude to the other witnesses for their work and for testifying in today's hearing. Ms. Sharon Payt has a wide knowledge of the experiences facing persecuted minorities in the OSCE. She has worked on the ground with a number of individual pastors and parishioners in Azerbaijan and Uzbekistan. I also appreciate Professor Paul Marshall's efforts to educate the public through his well-researched book, *Their Blood Cries Out*. Thank you also to Rabbi Baker, Bishop Martino and Mr. Kireopoulos for sharing your expertise with us.

The focus of today's hearing on the status of religious liberty for minority faiths in Europe and the OSCE is not to testify of documented widespread instances of torture and persecution. Instead, it is to testify to the reality of disturbing undercurrents of more subtle, but growing, discrimination and harassment of minority religious believers.

In a number of European nations, countries in which the seeds of democracy sprouted, government officials seem to be working to restrict freedom of conscience and free speech in much of their government's actions. The Parliaments of France, Germany and Belgium have established "Sect Commissions" to investigate "dangerous" cults. In Belgium, the Sect Commission produced a list of 172 dangerous cults including charismatic, evangelical, Catholic, and Protestant groups. I am at a loss to explain how a charismatic evangelical church could be labeled "dangerous." In leading nations of the world in which great philosophers and thinkers waxed eloquent on the subject of freedom and individual rights, why is a very legitimate Christian group considered a dangerous cult?

Countries such as Russia and Macedonia, which so recently emerged from under communism, are moving toward restricting many of the freedoms the governments so recently extended to their citizens. I am deeply disturbed by the legislation President Yeltsin signed on September 26, 1997. The law entitled "On Freedom of Conscience and on Religious Associations" blatantly violates agreements of the OSCE which the Soviet Union helped initiate, much less signed.

In 1988, I traveled to the Soviet Union and met with Supreme Court Justices and other Members of the government in Kishinev, Moscow and Leningrad (now St. Petersburg), to raise with them the deep concern I had over Jewish refusniks, people in unregistered churches,

and pastors being imprisoned, beaten and tortured because of their religious convictions. I rejoiced with these pastors when the authorities released them from prison and allowed them to freely worship. Since that time, I've hosted a number of those pastors in my home.

Now, once again, I am concerned for these pastors who lead churches and congregations in worship services, prayer meetings, Bible studies and charity work. The same government which recognized the right of religious freedom now appears to be infringing upon that right. I am concerned that the recent Russian law will negatively affect the social and religious services that a number of very legitimate, but new, denominations provide for their communities.

Furthermore, it is unclear from the writing of this legislation how the law ultimately will be enforced. This is one of the most frightening aspects of the law. The murkiness of its language leaves it open to the whim of interpretation by local officials. Therefore, in certain regions of the country, churches and synagogues may experience a definite increase in harassment by government officials, while in other regions religious believers may experience no discrimination whatsoever.

In fact, recent reports indicate that the law already has affected a number of churches. In one instance, a Lutheran church in Khakassia, Siberia discovered that officials filed a court case to cancel the registration of its parish. The official who filed the court case specifically cited the new Russian law. In another instance, Russian authorities ordered that a Ukrainian Orthodox Church near Moscow be given to the Moscow Patriarchate of the Russian Orthodox Church. I am sure we will hear of many other incidents in Russia where this law is being used to restrict the worship of people of faith.

Having served in the U.S. military, defending democratic principles with my life, I am deeply saddened by the global increase in persecution of Christians and other minority faiths. It is vital that our government and the people of our nation understand and take action against the terrible and very subtle events occurring around the world. I commend the Commission for holding today's hearing to educate Members of Congress and the American public on this vital issue.

Consistent reports from internationally recognized human rights organizations, which document serious repression in a number of countries, support the expert testimony we will hear describing the problems and struggles facing the churches and other groups in Europe and the OSCE. I look forward to gaining from our witnesses a deeper understanding of the religious liberty violations within OSCE member countries and insight into how we can best influence these governments to adhere more closely to internationally accepted human rights standards.

Thank you, Mr. Chairman.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN

Mr. SMITH. Thank you very much, Mr. Pitts, for your kind statement. First of all, thank you, Father Rashford, for your hospitality in extending the facility and the gracious hospitality. We are very grateful and I thank you for that.

I will submit my full statement but let me begin by noting that Philadelphia, the city of brotherly love, is an appropriate hearing location as the underlying principle of religious liberty is the second great commandment: Love your neighbor as yourself. Pennsylvania was established, as we know, as a colony where religious minorities were free from persecution. In the heart of this historic city is the site of Old St. Joseph's Church, the city's first Roman Catholic Church. The church, built in the 1700s, was the only place in the entire English-speaking world where public celebration of the Mass was permitted by law. In 1734, the Provincial Council of Pennsylvania successfully withstood the demand of the colony's Governor to outlaw this church. Through this legal challenge, religious freedom was permanently protected under Pennsylvania law and this principle was later embodied in the Constitution of the United States.

Today's hearing is timely as the Congress and this Commission continue to be concerned about the violations of religious liberty. On September 18, the Commission held a hearing on "Religious Intolerance in Europe" where we began exploring these issues anew. I look forward to our further discussions today. In November, the participating States of the OSCE met in Warsaw in the biennial implementation review of human rights agreements found in the Helsinki documents. There the U.S. delegation made a very strong statement upholding the principle of religious liberty among countries in the OSCE and raised concerns in numerous bilateral and other informal meetings with various delegations. On November 16, tens of thousands of churches across this nation participated in a Day of Prayer for the Persecuted Church. I commend these efforts and hope that this increased awareness of the issue will cause more believers to be praying for solutions to the crisis.

We can be thankful that it is no longer necessary for the Commission to maintain extensive lists of religious prisoners, as we did just a decade ago. The post-Communist era freedoms of religion, speech, and association are proof that the course of history can bring positive developments in individual freedoms. The trend over the last year, however, demands our attention and our concern. We have witnessed restrictions on religious freedom in law and practice and in attitude. Today, we will hear testimony regarding the general climate of intolerance toward minority religious groups, often exemplified by harassment, discrimination and threats by government security forces. There are three areas of concern where religious liberty is routinely denied: (1) the requirement for registration of religious groups; (2) the denial of religious free speech; and (3) the rise of intolerance and governmental interference with groups espousing a minority religion or belief.

While the requirement of registration is not a *prima facie* violation of the Helsinki Accords, the very fact that a government can decide which religious groups may function as entities under the law represents a violation of the spirit of the agreements. A keystone principle found in the Helsinki process regarding religious liberty is the concept of non-interference by governments in the affairs of religious communities. When governments require registration for religious communities, they create the opportunity for arbitrary and capricious abridgement of religious liberty, both at the National and at the local level. Religious liberty merely becomes a privilege granted by the State

whenever the State deems it appropriate. All too often, the requirement of registration becomes a *de facto* violation of the Helsinki Accords.

A few weeks ago in Warsaw at the OSCE Review Meeting, the U.S. delegation raised the case of the Word of Life, one of the largest churches of the minority Christian community in Azerbaijan. The Azerbaijani Government continues to deny this congregation legal status, while its sister organization engaged in charitable work with the refugee population received registration a few years ago. A similar situation exists in Uzbekistan, where minority groups are refused registration and continue to face harassment by security forces. In Bulgaria, the government continues to restrict the practice of a number of non-Orthodox religious groups. In Albania, minority religious groups, including the Evangelical Alliance, are also refused registration, severely hindering their ability to freely practice their religion. Macedonia recently passed a law that places stiff restrictions on registration of religious communities, including the requirement that a religious group have at least 100 adherents and refusing to register a community if they have the same creed as a previously registered faith community. Jehovah's Witnesses have been denied registration in a number of OSCE participating States, including Armenia, Austria, Bulgaria, Greece and Latvia and have been subjected to various forms of harassment, including the prohibition on importation of religious literature and the denial of the freedom to assemble for worship services.

In addition, certain participating States have established hierarchies under the law for religious groups. Of particular concern is the new law "On Freedom of Conscience and on Religious Associations," which as written would discriminate against minority faiths or beliefs, placing unacceptable restrictions on the freedom of the individual to profess his or her belief in God. In the wake of this law, several disturbing reports have emerged, including a Jewish synagogue that was refused legal status on the basis of the new law and have been told to submit their sermons and their comments first to authorities for approval.

Last year we had a hearing in another committee that I chair, the International Operations and Human Rights Subcommittee. One of the most disturbing pieces of information that we discovered from that, particularly in the former Soviet Union and Russia, was that anti-Semitism was being privatized; that while the government was not *de facto* engaging in (as they did during the Brezhnev and during other Communist leaders' years) an all-out attempt to prohibit the religious practice, they were allowing the privatizing of discrimination by groups known for their anti-Semitism. We've raised the issue with the Yeltsin government, but regrettably it continues unabated today.

Religious liberty infringements persist for the Christian community in Turkey, where members of minority religions, including Armenian and Syrian Orthodox believers, as well as Roman Catholics, Armenian, Chaldean, Greek and Syrian Catholics and Protestants have faced various forms of discrimination and harassment, including the inability to obtain permission to build modern facilities or to renovate existing churches. With the recent visit of the Ecumenical Patriarch to the United States, we are reminded of the plight of the

small community of Greek Orthodox believers in Turkey and the repeated requests by the Patriarchate for permission to reopen the Orthodox seminary on the island of Halki closed by the Turkish authorities since the 1970s.

Intolerance of individuals expressing alternative religious viewpoints has led to severe restrictions of religious liberty among OSCE participating States. I'll put the rest of my comments into the record. Let me say to the witnesses who are here today how grateful we are for your work past, present and—God willing—the future. Thank you for your efforts to bear witness to the continued rising tide of anti-Semitism and anti-Christianity that we are seeing in many parts of the world. The pendulum can swing back. During my years in Congress, the last almost 18 years, we saw tremendous discrimination against people in Romania, for example. Religious directorates under control of the Ceausescu government were used to determine when and if a facility could be built and who were allowed to operate. The government called them cults. Unfortunately, the pendulum seems to be swinging back in some of these countries and they are using the state not just to monitor, but to harass many of those who wanted to freely practice their religious beliefs.

The Helsinki Commission will continue to speak out loudly and boldly. The information you impart to us helps us do so in a more informed way, so I look forward to your testimony. I thank you for being here. I will introduce our three distinguished witnesses and ask you to proceed.

On our first panel we have the Most Reverend Joseph Martino, the Auxiliary Bishop of the Archdiocese of Philadelphia and the Director of the Office of Ecumenical and Interfaith Affairs. Your full bio will be made a part of the record. Michael Slotznick, attorney and a Member of the Board of Directors of the Philadelphia Chapter of the American Jewish Committee has been involved in the range of international democratic issues for some time. It's nice to see you again. Also we have Rabbi Andrew Baker, Director of European Affairs for the American Jewish Committee, who has been instrumental in designing programs to promote tolerance in the newly emerging democracies of the former Communist bloc.

One thing that is becoming very clear in this fight for religious freedom is that Christians, Jews and other people of goodwill and faith, are banding together to speak out for one another. With linked arms I think we can make greater progress in this regard. Bishop Martino, if you'd begin.

**STATEMENT OF THE MOST REVEREND JOSEPH F. MARTINO,
AUXILIARY BISHOP OF THE ARCHDIOCESE OF PHILADELPHIA**

Bishop. MARTINO. Thank you, Mr. Chairman, for the opportunity to contribute to the Helsinki Commission's ongoing efforts to educate the American public about the important work of the Commission and the Organization for Security and Cooperation in Europe in promoting greater respect for religious freedom. The United States Catholic Bishops deeply appreciate your work on this issue because we believe, as Pope John Paul II has said, that religion is a "cornerstone" of the structure of human rights, an "irreplaceable factor" in both the individual good and the common good.

I do not purport to be an expert on this rather complicated matter, but I would like to present a rather broad overview of the United States Catholic Bishops' concerns about continuing problems, especially for minority faiths, in some European countries.

The bishops' perspective on religious freedom in Europe is based on the close ties we have with the Catholic church there. We have an extensive program to help rebuild after communism. Catholic Relief Services has been involved in relief and development programs in many Central and East European countries and we work closely with the Catholic Bishops of Europe and the Holy See on matters of religious liberty, human rights, conflict, resolution and ecumenism.

In all of our activities, we first listen to the pleas of those who are suffering due to intolerance of religion and seek their counsel and advice on how we can help relieve their plight.

I want to address some current areas of concern. As a general matter, religious freedom is protected more than at any time in the past in most parts of Europe. The demise of communism in Central and Eastern Europe has led to a transformation in the area of religious liberty that has mirrored the broader transformation in that area since the fall of the Berlin Wall. Nevertheless, many problems of intolerance toward religion, particularly minority faiths, remain. In my brief remarks, I will focus, with a few exceptions on the situation of the Catholic Church, particularly in the former Communist countries of Central and Eastern Europe.

Religious liberty problems in Eastern Europe today arise from a variety of sources. I will name six: (1) lingering intolerance toward religion among former Communists who have remained in the bureaucracy or have regained power; (2) the general difficulties involved in moving from communism to democracy and instituting the rule of law; (3) ethnic and nationalist conflicts with a strong religious dimension; (4) conflicts within and among religious groups; (5) the perception by some majority religions and governments that minority religions, especially so-called "sects," are a threat to national unity, cultural traditions, and/or social stability; and sixth and last, widely different conceptions of religious liberty and church-state relations.

I would like to highlight a few areas of concern.

No. 1: Intolerance associated with ethnic/nationalist conflicts. The nationalist-inspired "ethnic cleansing" of whole communities and the destruction of churches and mosques in Croatia and Bosnia-Herzegovina is a form of religious repression that was unmatched even in the darkest days of communism. Serious problems remain now that there is a semblance of peace. The Catholic Church is in a particularly precarious position in the parts of Bosnia under Muslim and Serb control. The few Croats who remain in these areas face housing, employment and other forms of discrimination. Refugees who try to return to their homes face harassment and violence, including several recent bombings of churches. Especially in the Serb Republic authorities deny Catholic priests permission to return to minister to the Catholics there. Unfortunately, Muslims and Serbian Orthodox face similar problems in areas where they are minorities. The failure to implement the right of return and human rights provisions of the Dayton Accords threatens the survival of religious minorities and create the conditions for renewed conflict in the future.

A second concern: Restrictions on “foreign” religious bodies and so-called “sects.” Laws in several countries restrict “non-tradition” religions by imposing special regulations on so-called “foreign” religions or “sects,” often at the behest of the majority religion.

The new Russian law on religion is a prominent example. This new law is a significant step back from progress made in the past decade on religious freedom in Russia. With the Catholic Church in Russia and the Holy See, we fear that this new law on religion will threaten internationally recognized freedoms of Catholics and other “minority” religious groups. This law treats religious bodies differently according to the length and time they have been in Russia, their location and origin, and other factors. This law also constructs a process of obtaining legal recognition that is impossibly labyrinthine, onerous and subject to abuse at the local level.

Every effort must be made to ensure that the Yeltsin government fulfills its promises that this flawed law will be interpreted and implemented in a way that will respect the full and equal rights of the Catholic Church and all religious bodies in Russia.

In Belarus, the Council of Religious Affairs has considerable discretion in excluding foreign religious workers. In January of this year, the government dropped its threat to not extend the visas of most of the 130 foreign Catholic priests serving there, but many priests could eventually be deported and the situation of some 100 Catholic nuns, who have been refused residence and work permits, remains tenuous.

In Bulgaria, some minority groups, such as the Mormons, have been refused registration. In Greece, the Catholic Church and other minority religions have difficulty obtaining permits to operate houses of worship, permits granted on advice of a local Orthodox official.

In Turkey, the deplorable attack on the Istanbul Ecumenical Patriarchate is a worrisome sign of the problems faced by religious minorities there. The minority churches face difficulties gaining permission to acquire property and operate religious institutions. The Ecumenical Patriarchate, for example, continues to be denied permission to reopen the Halki seminary, which has been closed for two decades. Just recently, the Governor of Mardin has declared that the Syrian Orthodox monastery school may no longer teach Syriac, which is vital to the transmission of its cultural and religious traditions, and that monastic property may no longer be used to provide hospitality to the many pilgrims to the area.

A third concern: Return of Church Property. The return of property confiscated under communism has been a contentious issue in most countries of this region. Fortunately, this issue has receded in importance in various formulas for return of at least some properties have been worked out. The property issue remains particularly problematic in Romania, however, where the Greek Catholic Church has faced obstacles in gaining restitution of its properties. Given the failure of an Orthodox-Greek Catholic commission to resolve this issue, Greek Catholic representatives are supporting pending legislation that would return certain properties in rural areas where there is more than one formerly Greek Catholic church.

Conclusions: In conclusion, I would like to offer a few suggestions for a constructive approach by concerned Americans to promoting religious liberty in Central and Eastern Europe.

No. 1: We should be careful not to impose a peculiarly American church-state model on countries of Central and Eastern Europe that have very different histories, cultures and theological perspectives on this issue.

Secondly: The efforts by some traditional churches to impose restrictions on foreign and minority religion, especially in Central and Eastern Europe, derive in part from a deep-felt sense of insecurity. Those of us from Western religious groups must make a special effort to understand and show respect for the culture, history and theology of these traditional churches. It is vital that we reach out to leaders of these churches and even help them rebuild the life of their churches, rather than seeing their countries and their congregants as fertile grounds for new converts.

A third point: Ecumenism is in its formative stages in parts of Central and Eastern Europe. Western religious groups can contribute to this development by ensuring that our activities are undertaken in a spirit of ecumenism and by looking for ways to support ecumenical initiatives in the region.

Fourth: Finally, U.S. policy must continue to press for adherence to the religious liberty commitments outlined in the OSCE's Vienna Concluding Document and other international commitments. The deep concern shown by the Clinton Administration and Members of Congress for the Russian religion law is to be commended and should be replicated in other cases, where appropriate.

Thank you.

Mr. SMITH. Thank you very much, Bishop Martino.

Mr. Slotznick.

STATEMENT OF MICHAEL SLOZNICK, DIRECTOR, THE AMERICAN JEWISH COMMITTEE

Mr. SLOZNICK. Thank you, Mr. Chairman. On behalf of the Philadelphia Chapter of the American Jewish Committee, I'm pleased to welcome the Commission and its witnesses and its guests to our city. You have our special gratitude, Mr. Chairman, for convening this important hearing.

The American Jewish Committee was established in 1906 to combat pogroms against the Jewish minority in Eastern Europe and discrimination against the Jewish minority in the U.S. It's the oldest community relations and human rights organization of its type in the country. AJC today has 50,000 members and 32 professionally staffed chapters nationally. The organization's wide-ranging domestic and international activities include data-gathering and advocacy with respect to civil rights at home and human rights abroad.

Of special relevance to today's hearing, AJC has conducted an extensive and long-standing campaign to end all forms of religious persecution abroad. AJC and its Jacob Blaustein Institute for the Advancement of Human Rights have enjoyed a leadership role in many pertinent areas: Framing internationally recognized guarantees of religious freedoms; establishing international machinery to respond urgently to violations of religious freedoms; and empowering a wide array of secular human rights organizations with tools, strategies and support to enable them to respond promptly to all violations of religious freedoms, and in all world regions. AJC's Blaustein Institute has fostered efforts to provide case documentation on such abuses to

those officials who can in fact help stop those abuses. In addition, AJC has expanded its documentation and reporting activities by co-publishing, for the third year, the *Anti-Semitism World Report*, which examines conditions affecting all minorities in more than 60 countries worldwide, including political and legal conditions as well as specific incidents of persecution and discrimination. I'd like to present a copy of this document to the Commission today. We can furnish additional copies to the staff if you'd like.

AJC is also active in reviving Jewish communities throughout the newly independent OSCE countries, where those communities must function in new societies unaccustomed to democracy and religious tolerance.

As for my own experiences, Mr. Chairman, I'd like to talk briefly about overseas religious persecution from a local, grass-roots perspective. As the Congressmen indicated, the present hearing came about in part through activities on our end here, and particularly it came about through discussions last spring that Charlie Dougherty, the former Congressman from Pennsylvania's 4th District, had with several of us from A.C.'s Philadelphia Chapter: Leonard Grossman, Dr. Murray Friedman (our regional director) and myself. Those discussions pertained specifically to the growing national movement concerning the persecution of Christians. Over a period of months we pursued that issue with Congressmen Pints and Fox and yourself, Mr. Chairman; and when this hearing eventuated, we publicized it extensively, with the cooperation of the Jewish Community Relations Council of Greater Philadelphia.

In our publicity work we found a great grass-roots awareness of and interest in this issue, from across the political, ideological, ethnic and religious spectrum. Through all of this we've considered it quite necessary for the Jewish community, locally as well as nationally, to advocate on behalf of persecuted Christians around the world—just as we protest the genocide of Muslims in Bosnia, and the persecution of Baha'is in Iran, Buddhists in Tibet and religious minorities elsewhere.

Why should Jews concern themselves with the persecution of other minorities? I would submit, Mr. Chairman, that all of us—Jewish and non-Jewish—know the answer instinctively. It's because the Jewish Bible, now three millennia old, demands a universal respect for individuals. Because Jews have long been at the forefront of the universal human rights movement. Because Jews possess a unique history as victims of persecution, and a corresponding empathy for the oppressed. Because Jews remember with gratitude those non-Jews who came to our aid during the fires of World War II, and who later helped us in opening the Iron Curtain for Jewish emigration. It's also because we know that silence is the enemy of justice and a cloak for repression. As Congressman Fox stated earlier today, that only if the rights of all people are protected will the rights of specific minorities be ensured, and future conflicts be avoided.

Mr. Chairman, we have been, and wish to continue to be, part of a mobilization of all faiths to fight religious persecution overseas.

We are honored to contribute to this hearing.

Thank you.

Mr. SMITH. Thank you very much for your statement, and I agree that mobilization needs to be done immediately because that's the only way we're going to really prevail. Thank you. We'll get to questions momentarily at the end of Rabbi Baker's testimony.

STATEMENT OF RABBI ANDREW BAKER, DIRECTOR OF EUROPEAN AFFAIRS FOR THE AMERICAN JEWISH COMMITTEE

Rabbi. BAKER. Mr. Chairman, as I'm sitting here I see the emblem of the University behind you and I can't help but really think, here we have representatives of Jewish, Orthodox, Protestant, Catholic organizations sitting with their Members of Congress, gathered in a Catholic institution, and nothing could feel more comfortable and more natural and more normal. I think it's sort of the hallmark of what has developed in America and what we surely hope and wish we can bring to bear on other parts of the world. I appreciate the opportunity to be with you this afternoon.

In recent months you, Mr. Chairman, Congressman Pitts and Congressman Fox, and other members have brought welcome and important attention to the plight of men and women around the globe who are suffering death, torture and other grievous abuses of their rights because of their religious beliefs.

Now, as we know, it was not too long ago that Jews were trapped inside the Soviet Empire, unable to leave, and denied the fundamental human right to live in accordance with their religious faith. The effort that ultimately led to more than one million Jews being allowed to leave was grounded most of all in the heroism of the Soviet Jewish activists and refuseniks themselves. But it was, of course, also grounded in the international advocacy movement, in that grass-roots effort of hundreds of thousands of American citizens and of others who made their voices heard in demonstrations and petitions, and this all joined by the bipartisan efforts of successive Administrations and Congresses.

The leaders of the Soviet Jewry movement recognized the need to be inclusive, even as they addressed the needs of a particular group. Thus, the campaign was dependent not only on a broad array of Jewish organizations and individuals, but also on the active support, the active involvement of Americans of all ethnic groups, religions and political persuasions. Their support and involvement is something for which we will always be grateful.

The primary goal of the Soviet Jewry campaign was to permit the departure from the Soviet Union of those Jews who wanted to leave. There was widespread recognition that the Soviet Union was an oppressive, totalitarian state which needed to be reconstituted at its core, but the campaign was much more narrowly and pragmatically focused. The tactics adopted turned to legislative measures as a tool calibrated to lead to change, not as punishment for its own sake (though that punishment might have been well-deserved), and then this took place only after public protest accompanied by quiet diplomacy proved unsuccessful.

Thus, the measures adopted by Congress in January 1975, including the well-known Jackson-Vanik Amendment, which denied trade benefits if the right to leave was impeded. These targeted, not the larger issue, the larger nature, of Soviet society, but the narrower issue of securing the ability of Jews to leave.

But even as hundreds of thousands of Jews have left for Israel, for the United States and for other countries, many as we know, have chosen to remain with the fall of communism to build a new life. The situation confronting Jews today in Eastern Europe and in the states of the former Soviet Union is a varied and complex one. In some countries, such as Poland and Lithuania, for example, Jewish communities today are extremely small, numbering no more than a few thousand. They are only but faint shadows of the large and vibrant Jewish world that existed there before the Holocaust, and some would rightly question whether their future can ever be assured if their numbers are so few. In other countries, such as Russia and Ukraine, where their numbers remain quite significant, the reviving Jewish communities must still confront a vast array of problems stemming from decades of religious persecution, forced assimilation and official anti-Semitism. There are surely differences, as well, among these places, and I am prepared to describe them in response to any questions you might offer. But for the purpose of these opening remarks, let me try to suggest some common problems that confront many of our fellow Jews in most of these countries today:

First, the fall of communism brought with it the elimination of the most egregious forms of state-sponsored anti-Semitism, which had severely limited opportunities for Jews in schools and in employment, which prevented most religious instruction and the training of teachers and religious leaders and which, in fact, made contact with Jews and Jewish organizations from abroad, literally a punishable offense. But anti-Semitism remains. Anti-Semitism remains albeit in different forms today. Ironically, the new openness and press freedoms that have resulted from democracy coming to these countries have also resulted in the publication of rabidly anti-Semitic newspapers and the reprinting of classic works of anti-Semitism, such as Hitler's *Mein Kampf* and the nefarious Protocols of The Elders of Zion. We have seen the development of political leaders and parties, espousing openly anti-Semitic themes and programs, and in countries where this may bear no relation whatsoever to the actual number of Jews who are living there today. To be sure such populist manifestations of anti-Semitism are also not unknown to the communities of western democracies, but in the former Communist countries leaders are only beginning now to learn the importance of isolated and publicly condemning such activities.

Secondly, the preservation of religious freedom and tolerance in America and elsewhere in the West is due in no small measure to the network of interreligious dialogs, the kind of cooperative activities, the official statements and actions on the part of religious bodies here in the West to reconcile historical and doctrinal conflicts. Events such as the Second Vatican Council, which have had an enormous positive impact on the state of Catholic-Jewish relations in America, for example, had been unknown or largely ignored in the countries of Eastern Europe. The revival of religious life and the protection of religious minorities must be reinforced by expressions and actions of interreligious cooperation . . . Though they are not alone in this, many Jewish communities lack the basic resources necessary to effect their religious revival. In nearly all of the countries of the former Communist world, the question of restitution of Jewish communal property is still unresolved. In many cases, communities are still pressing for

the return of synagogues and community buildings, which are essential for their current needs. By way of example, despite the efforts now of several years to reclaim it, the main synagogue in Minsk continues to serve as the city's Russian Drama Theater. Its classical columns are even adorned with hammer and sickle motifs, which were added when the building was originally confiscated by the Communists. In Kiev, though we hope this will be resolved within the next few months, the main synagogue in the capital of Ukraine is known to its citizens as the city's puppet theater. But, again, we hope soon this will be returned to the Jewish community. In many cases, these properties are in the hands of local municipalities or private owners, which makes their restitution a rather complicated situation, involving local officials and councils as well as national government leaders.

Fourth and finally with these groups, we must recognize that we speak about religious communities who have been deprived of the possibility of educating and training their own religious leaders for several generations. At the current moment the rabbinical leadership in the vast majority of the Jewish communities in the former Soviet Union all come from abroad. Many of the teachers and the communal workers and nearly all of the religious and educational materials and resources come from abroad as well. Over time, we hope that religious schools and institutions that are now being reestablished in these countries will be able to provide religious leaders for the coming generations. But, in the immediate future, they will continue to rely on support and assistance from the West and we must be able to move back and forth freely and unhindered. This, by the way, is one of the reasons, though there are others, that we too were strongly opposed to the legislation passed by the Russian Duma and signed by President Yeltsin.

Finally, in a statement that was presented to the Secretary of State's Advisory Committee on Religious Persecution Abroad in July of this year, my colleague, Felice Gaer, who directs our Jacob Blaustein Institute for the Advancement of Human Rights, reflected much more broadly on the scope and causes of religious persecution worldwide and made recommendations regarding U.S. policy. We've shared with you a copy of her statement for your consideration.

I would simply outline or enumerate in sort of shorthand those various elements that were recommended as a response to religious persecution abroad: Strengthen the universality of all human rights, including those affirming religious freedom. Be country-specific and be situation-specific. Get the facts, analyze the situation, and convey concern over religious persecution when and wherever it exists. At every U.S. embassy abroad, beef up that "field" presence and the expertise on identifying early signs of religious persecution. Strengthen the existing human rights institutions. Encourage interreligious contacts. Promote education at home and abroad about human rights and religious freedom. Speak out and lead new initiatives wherever possible. At summit meetings and other high-level encounters, the U.S. should expend greater effort to put religious freedom and other human rights into a position of prominence on these agendas. Work with new constituencies. Let us build bridges. Finally, it's an issue related to this, though not directly, we need to review and revise the asylum procedures we now have to make them more fair.

It is these principles in particular, and the concerns that sanctions or efforts that are taken be country-specific and situation-specific, that informed our review of the house legislation and this congressional initiative responding to religious persecution. Knowing that we share with the other sponsors of the legislation an abiding commitment to ending religious persecution, our president and executive director wrote in September to Congressman Gilman, the Chairman of the International Relations Committee, and set forth a number of concerns in that letter, a copy of which is here for you today.

In conclusion, let me again express our appreciation for this opportunity to present our views and our recommendations. And, of course, I welcome the opportunity to respond to any questions or comments you might have. Thank you.

Mr. SMITH. I'll ask the first question and then yield to my colleagues who will probably have additional questions. Picking up where you left off on the legislation, H.R. 2431, as you know, has been referred to my subcommittee. We've marked it up in subcommittee, we tightened it, made some very substantial changes to the original legislation and now we are trying to build a coalition because there's still some opposition to it even on our full committee. The administration has weighed in and said that they are very much opposed to the religious freedom legislation pending before Congress.

My hope is that we can find common ground with the administration. They're concerned about the office that would be in the White House dealing with religious monitoring, which would then issue reports that would have the force of law where sanctions need to be imposed.

We've offered that we could accept the provision without losing the essential character of the legislation, which is to encourage religious freedom. We are still running into a buzz saw down at 1600 Pennsylvania Avenue.

Recently, the Secretary of State made a very strong statement that she was concerned about establishing a duality—a hierarchy, if you will—on human rights. The argument which Frank Wolf and I have made to administration witnesses is that by giving priority to a human right—in this case religious freedom—we in no way denigrate other human rights concerns. If anything, we push the others along as well.

All of us who were vociferously opposed to racism and the apartheid in South Africa felt that we weren't hurting other human rights concerns by imposing sanctions. I voted for sanctions against the government in South Africa. Jackson-Vanik which emphasized the right to emigrate and rightly so and was an enormously powerful tool in trying to save Soviet Jewry from a situation that was absolutely intolerable. Yet, we have heard this flimsy superficial argument that we don't want to have a hierarchy of human rights. How do you respond to that argument? I believe religious freedom is a bedrock human right, and strong support of that in no way denigrates any of the other human rights.

Rabbi BAKER. I agree with your basic statement. I don't see how support of one could denigrate the others. I think how these concerns are implemented is really where the questions come and the challenge sits before us. I know there is the position taken by some, in-

cluding our own organization, that the State Department seems the logical place for examining, monitoring and keeping tabs on the issue of religious persecution.

I can recall when in the Carter Administration this office for human rights and humanitarian affairs was first created and many people scoffed at the idea that this could be part of the foreign policy establishment. But we've all really seen how effective it can be and in a way the proper place for such foreign policy efforts is the State department. That's one point.

I know with regard to trying to correct what many of us feel to be the difficult problems now presented in our new asylum roles that we need now to fix this, not only for those who are escaping religious persecution, but also for other such groups and I think we believe politically and pragmatically if we are going to do it for one, now we need to do it for all.

So I think it is in that area that this issue has come out. But I think in terms of the general principles that you've enunciated we should not be somehow caught with the idea that if we want to address concern for one persecuted group that not voicing proper concern for others causes us to do nothing.

I mean, clearly we must work together and find a way to digress this.

Bishop. MARTINO. I have to say I'm always fascinated by how the discussion about religious rights sometimes engenders embarrassment. We could discuss so many different types of rights and there is no embarrassment at all. But as soon as you get into the field of religious rights, then suddenly you come up with grandiose sounding theories, like the duality or dual hierarchy, whatever it is that is trying to be said there.

My concern is that we are dealing here with human beings and that human beings are not easily spliceable, dividable. One cannot advocate the rights of humanity and departmentalize them in such a way that certain rights are important and certain rights are not important. If they are not important, then perhaps they should not be labeled rights.

We are dealing with something that goes to the heart of how it is possible for human dignity to be maintained, and the religious aspect of humanity is seen everywhere, in every culture in every time. So it's not a peripheral matter that suddenly ought to be looked at as secondary and inspire some embarrassment, in my mind, but rather should be kept up front and kept as much a concern as civil rights of all of the others.

So I must say I'm surprised to hear about this sudden renaissance all of a sudden when it comes to religious rights that you wouldn't have in other areas, and I deplore that and I hope that we don't allow that to progress into our law and into our diplomatic attitudes.

Mr. SMITH. Did you want to comment?

Mr. SLOTZNICK. . I would add only that from a grassroots perspective, as you said, Congressman, it's very important to be able to focus interest groups on any human rights issues whenever and wherever you can. If that means narrowing the issues under some circumstances for certain advocacy efforts, by all means it's important to do that. Now, how that translates into specific legislation can be a much more

complex topic. In particular legislation I understand it to be complex. But, otherwise, I would defer to Rabbi Baker's comments on legislation.

Mr. SMITH. Let me say this and then I'll yield to Mr. Pitts. It seems that in my conversations with administration people, and even some Members, they are concerned about the impact this might have on Saudi Arabia and some other countries. These are countries where, if one changes religion, as a result of proselytizing, to Christianity from Islam, he runs the risk of the death penalty and other very cruel and harsh consequences. There also seems to be a lack of concern, Bishop, and a lack of setting priorities.

It's not the jurisdiction of the Helsinki Commission, but as Congressmen we're all concerned about what's going on in China. Our own Ambassador, Senator Sasser, now Ambassador Sasser, wasn't even aware of the house church movement, the fastest-growing movement in all of the PRC, before he became Ambassador. I've been to China three times myself on human rights missions. I'll never forget our DCM telling me that everyone could go to a church; it was no problem; people have rights. I said, but they're the officially recognized churches. Take one step outside of that narrowly drawn line in the sand, which we see increasingly now in Eastern Europe and in Russia, and the full weight of the totalitarian state comes upon your head. I met with Bishop Su about improvidence. He said mass for our delegation and got arrested within days and he is still incarcerated to the best of our knowledge.

Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman. I'd like to ask the witnesses in order of their testimony, if I could, a few questions.

First, Bishop Martino, how has the Catholic church approached governments which believe the so-called sects are a threat to cultural and social stability?

Bishop. MARTINO. Just as we sit here, representatives of the bishops of North, Central and South America are meeting with the Holy Father in a special assembly of the bishops of this hemisphere. There are several hundred bishops that are meeting in Rome right now as we sit here. Just recently, one of the Vatican officials in charge of ecumenical relations, Cardinal Cassidy, urged his brother bishops in their statements to be very concerned about using that word "sect"; that sect comes across and should come across as a group that is dangerous, not a group that is different. If we start using that word very cheaply, then all differences will be reduced to sectarianism and that's extremely dangerous. Certainly, the Holy See itself and the American bishops, who certainly would be in accord with this perspective, are very concerned about how we label others and very concerned to see that the full rights are given. So there certainly has been a lot of concern on our part about that.

Mr. PITTS. What will change the government's attitude toward renewing visas for Catholic priests and nuns? Do you see that attitude changing?

Bishop. MARTINO. I'm not completely familiar with that particular case, but I have to say I read in some reports about some of the implementation of the new Russian law that in some areas some of the local officials may be inclined to judge the law rather broadly and that could be advantageous, but it's also arbitrary. We have no idea

whether or not they are going to do that on a consistent basis. So where there are general local officials, fine. But we have no guarantee that's going to be widespread at all.

Mr. PITTS. Do you know the reason the Turkish Government declared that the Syrian Orthodox monastery school may no longer teach in Syria or provide hospitality to pilgrims?

Bishop. MARTINO. I must say I'm not clearly sure why that is. As you know, Turkey is considered a secular state and there had been problems also between the so-called modern secular state and the Islamic resurgence there, and it's currently been the source of some governmental strife in Turkey. If that is true, in a nation that is overwhelmingly Muslim in its background, you can imagine there is going to be some governmental tension with the Greek Orthodox presence there and the Syriac Orthodox presence there. So I'm not sure why Turkey acts the way it does, but it seems to be consistent with some degree of religious intolerance on the part of a nation that proclaims its secularity and comes across, therefore, as very tolerant. Sometimes the label does not translate into reality.

Mr. PITTS. Thank you.

Michael, in your testimony you mentioned that the AJC has helped empower human rights organizations with tools or strategies to respond to religious liberty violations. Would you share a little bit more about this specific work and the tools used by the AJC and the Institute for the Advancement of Human Rights?

Mr. SLOTZNICK. . The Jacob Blaustein Institute is very active in New York—in the United Nations and otherwise.

It commissions studies on issue-specific items. It provides testimony before hearings, it publishes papers, it conducts workshops. For more specific details on the work of the Blaustein Institute and the American Jewish Committee I will defer to Rabbi Baker.

Rabbi BAKER. I think that now I'll return to the discussion about the Soviet Jewry movement, where one of the key elements to its success was to be literally meticulous in the documentation and publication of incidents of abuse, of imprisonment, torture, discrimination and the like. I think it is critical that a case be made as clear and correctly as possible.

And even at the time there were those within the Jewish community that sort of resisted the kind of cautiousness, if you will, and sometimes delay in preparing this, but all of those involved believed that this was critical so that no one could question the objectivity or the veracity of what was being presented.

I think this, too, may be a lesson for these other efforts. Once one has this information, of course, it becomes critical that it is broadcast, it is shared, that people are really mobilized to be part of this. This goes beyond the work of our Blaustein Institute, which is focused in large measure working with various international bodies at the U.N. Elsewhere, which of course represent a main arena for this. But I think the extent to which what's in fact envisioned by the legislation is to really mobilize attention and action on the part of the United States and American citizens.

Mr. PITTS. Thank you. Michael, what in your opinion is the most effective role for the general American public to play in working to increase religious liberty in the OSCE countries?

Mr. SLOTZNICK. . I understand there to be two or three main options that can occur at a grassroots level. One is to work with Congressmen such as you. Speak to them, meet with them, write to them.

The second is to have a more general letter writing campaign that some of our national human rights organizations have proven very effective. This effort requires some sort of coordination enabling grassroots people to adopt, for example, prisoners of conscience, and to write directly to governmental authorities in the offending countries on behalf of those prisoners of conscience. The third thing that can be done at a grassroots level is simply to talk, to see and to be seen on these issues.

The Jewish community is known, frankly—nationally and internationally—for its effectiveness in having made great strides, not only with the Soviet Jewry movement, but with other political community relations, human rights and civil rights issues. These are among the techniques that the Jewish community has used.

Nothing works more effectively with a Congressman than a letter from a constituent, as I understand it. Nothing works more effectively with an authoritarian regime overseas than a letter from someone around the world, much less ten letters or 50 letters from around the world, to let them know that they are being watched. We've recently seen in China that—remarkably—a prisoner was freed. That came through pressures from grassroots sources as well as from diplomatic sources. It's through the mix of all of these factors and the combined energy of all of these actors that sometimes rays of light shine through.

Mr. PITTS. Thank you.

Rabbi Baker, could you give us some pertinent examples of how this Soviet Jewry movement was organized, how it operated on a grassroots level, how it operated underground, overseas—some of the keys to its success?

Rabbi BAKER. Sure. Well, of course, one of the keys was simply to mobilize community by community interest and involvement here, and there probably was not a Jewish community—literally—not a synagogue that had not a relationship in some way to some group or individual, refusniks, prisoners of conscience in the Soviet Union, campaigns of writing letters, literally hundreds of thousands of bracelets that identified the names of these prisoners so that our kids knew the names of these people in Leningrad or Moscow and so on. The campaign of involving members of Congress. I know, Mr. Smith, you and, Mr. Pitts, travelled to the Soviet Union. You are familiar with the efforts of groups going back and forth. Individuals all need ties to bring messages, to bring religious articles, to let people know that we know what's going on, we care, we are involved.

And I think from the very beginning one could have seen this as simply a matter of Jews looking after other Jews, but it was quite evident that the only way this would succeed was for it to be something embraced and understood by the vast majority of our fellow citizens here. These were basic rights. I don't think anyone denied that. But in drawing in churches as well as synagogues in these efforts, other groups. So that whenever there was contact—if it was a sister city meeting in some City Hall in America, if it was with a representative from the Soviet Union, then our local group should know that the mayor, the city councilman, whoever was meeting,

would raise this issue—at cultural events, at social events that were taking place. This issue does not necessarily have to be an embarrassment, but this issue should be raised and addressed. So that one could not avoid this and I think that these are perhaps some of the techniques or the methods that would be of use here.

Mr. PITTS. Those are very good ideas and models for some people.

What do you believe to be the most effective foreign policy tool that we have for encouraging greater religious liberty in these countries?

Rabbi BAKER. Well, if I could respond to the question of sanctions which, of course, is central here. I want to make two points: First, even in speaking of the Soviet Jewry movement, we have to recognize that we are for the most part up against an authoritarian, and totalitarian state regime. Anything that could happen positively could only happen if this regime itself allowed it to. In many countries, though clearly not all of the countries that would be addressed by your legislation, are countries that are no longer totalitarian states. They are in the process of moving—in many cases, moving at very different paces and in different ways, but toward some democratic structure.

We have allies and supporters of these concerns that aren't simply closet dissidents, but are also members of government, members of parliament. We need to be able to bolster and support their efforts. It's not to say that sanctions don't represent perhaps the most obvious and even appropriate tool.

I think as Mr. Smith rightly said, we have to show that we mean business here. But I think what's key, what's critical is that those tools be calibrated, be directed specifically to our goals that we know that they will help and not hurt. I don't know how one can speak in general terms. It ultimately depends on the country, on the society. Also, it has to be bolstered by diplomatic efforts, by using the international forums that are available to us. So that together they represent this potent weapon I think is how we need to approach it.

Mr. PITTS. Do any of you have any thoughts as to the best method for NGOs to combat these issues?

Rabbi BAKER. Well, if I could just make a few quick comments. I mean, clearly NGOs are critical in alerting us to what's happening on the ground. This is in many cases where key contacts exist, where firsthand evidence is made available. I think it varies greatly in our own embassies or consulates the extent to which the development of local NGOs in these societies are taking place. But there's much we probably could do in America to support that. A number of philanthropic foundations here have given support to these newly developed NGOs in Russia, for example. But they are largely unknown to these societies. There are exchange programs and others that try to bring people over and educate them. I think that the degree to which we can do more to foster these contacts and these relationships help to bolster that indigenous support for religious freedoms and local allies.

Mr. PITTS. Thank you very much.

Michael, would you like to answer?

Mr. SLOTZNICK. . I would second that, that the key feature is the partnership between the in-country NGOs and the American NGOs. In both venues leadership is so important. An idea is wonderful, but there has to be an individual or individuals within each particular NGO that really wants to make something happen. Beyond that, as

Rabbi Baker said, for them to communicate with other people. Nothing can become more frustrating, no one can lose energy more quickly than if he or she believes they are acting alone. Through a sense of community, a worldwide community perhaps on this issue, things could become accomplished.

Mr. PITTS. Thank you.

Bishop Martino?

Bishop. MARTINO. Not only in response to this particular question, but to the broader question of what can be done, it seems to me that we can make laws and we can force things in a legal way, but attitude is extremely important and that is not always a matter of what comes out of law. You don't always change a person's demeanor in that way.

I would believe that if in our diplomatic corps, especially and among those who are negotiating, there is a clear idea that this freedom of religion is something important to the American people, something that those involved in various level of negotiations, whether it's trade or other political matters, that if they consistently bring this up: Why do certain prisoners get released? Not necessarily because great pressure is brought to bear in terms of money or things like that; it is because it is constantly brought up, it is shown, by its repetition, to be important to the American people, and I would just urge that, that those who are involved in negotiations at various levels consistently bring up the issue of religious freedom. It is not a secondary issue, as I said earlier.

Mr. PITTS. Thank you.

Mr. SMITH. Thank you, Mr. Pitts. Before yielding to Mr. Fox, let me address Mr. Slotznick:

You made the point about the power of constituent letters. Back in 1981, I got a letter from one of my constituents laying out the case for Yuli Koshеровsky, then one of the leading Hebrew teachers in Moscow. I looked into it, adopted him as a refusenik, travelled to the Soviet Union, met with the National Conference on Soviet Jewry and made a point of seeing Yuli. I introduced a resolution that passed in the House, continually wrote letters and did what other every member of the House and Senate were doing for their adopted refuseniks. He eventually got out, but it was the power of that first contact with the constituent who said you've got to do whatever you can do to help this individual and his family.

So, in answer to your question, Mr. Pitts, the power of a single constituent can really have sway with members of the House and Senate. That needs to be done more, not less. The more we take up the case of an individual and hopefully help achieve their release or to give them more freedom, we also build a case about what is happening with their friends and compatriots in their country. So the power of a letter is important.

I'd like to invite Charlie Dougherty, a former Congressman and good friend and human rights activist in his own right, if he would join our panel.

Mr. DOUGHERTY. I'll stay here, Mr. Congressman.

Mr. SMITH. We'd love to have you.

Mr. DOUGHERTY. I'll stay here. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Fox.

Mr. FOX. Thank you, Mr. Chairman. I also wanted to acknowledge Congressman Dougherty's efforts to bring this Commission forward and this hearing. So we thank you, Congressman, for your unyielding efforts to assist us in this regard.

I do want to ask some questions to the panel, if I could. With regard to what may be the outcome from this hearing and some of it being legislative, other items that may happen would be administrative remedies or other initiatives, I assume you're aware of the legislation of the Freedom of Religious Persecution Act, better known as the Specter-Wolf Bill. Do you think that legislation like this would help fight intolerance and would you recommend any members to be addressed to make sure the problem in the OSCE countries? That's open for everybody on the panel.

Bishop. MARTINO. I have some notes on that. So give me a second please, if I may. The United States Catholic Conference has expressed support for this bill based on changes agreed to by sponsors and hopes it can be the basis for a focused and effective United States policy on religious persecution. The bill rightly links the aid from the United States to a country's performance on religious liberty; a linkage that the United States bishops have long urged for the full range of fundamental human rights. We strongly support the continued inclusion of provisions that would end military aid, financing and sales to a sanctioned country. The bill would restore some vital procedural safeguards for those seeking asylum from persecution on account of their religion; safeguards that we urge be restored for those claiming persecution on the grounds of race, nationality, membership in a particular social group or political opinion.

Mr. FOX. Mr. Slotznick or Rabbi Baker?

Rabbi. BAKER. We have written to Mr. Gilman, as you know, and subsequent to that letter there have been some changes made. I'm aware of the response that was then forthcoming from the U.S. Catholic Bishops Conference as well as from another Jewish organization, the Union of American Hebrew Congregations that felt these changes made the legislation more appropriate for them. We have not responded and I would need to consult with my colleagues and get in touch with you. I think it's our goal that this legislation in some form can be supported, passed and implemented. Certainly, we see its general purpose to be one that we strongly support and would like to see implemented.

Mr. FOX. Someone will work with you on that. The subcommittee chairman of human rights and both Congressman Pitts and I want to make sure that your opinions are brought forward so that the bill can be in as good a shape it can be before it's passed.

I was going to ask the Bishop, at the end of last year officials from the Vatican and Orthodox leaders in Russia signed an accord healing a rift between the churches. To your knowledge has this development translated into any improvement for the situation faced by Catholics in Russia?

Bishop. MARTINO. There is no accord between Catholics and the Russian Orthodox church, but there are regular meetings of the Catholic and Russian Orthodox officials. There are two documents which both churches agree form the basis of good relations. The first is the Belmont document by the Joint Theological Commission of the Inter-

national Catholic Orthodox Dialogue; and most relevant to Russia, the Pro Russia Document 1992, which is the Catholic statement of principles for operating in Russia and the newly independent states.

The Pro Russia document is too complicated to get into here, but among other things it commits the Catholic church to inform Orthodox officials when a new parish is being started in an area and urges Catholic bodies to support efforts of the Russian Orthodox church to rebuild its pastoral or charitable activities.

In principle, this is a very key point. While we are totally committed to developing and maintaining ecumenical relations between the Catholic church and the Russian Orthodox church, the legal rights and the ability to practice freely of the Catholic church or any other religious group cannot be contingent upon the status of ecumenical relations. So that we want to keep those things separate, that there may be ongoing theological tensions between the Catholic church and the Russian Orthodox church. That's not a question that has to be settled before we get into the religious rights of all people in what used to be the Soviet Union.

Mr. FOX. In the United States the Christian and Jewish communities have been working together on the issue of Christian persecution. Has there been a similar collaboration in Europe between the Christian and Jewish communities to your knowledge?

Rabbi. BAKER. When one speaks of Europe, it's broad. When one speaks of Jewish communities, we've been involved in efforts only the last few years working with our brethren in Europe in trying to develop what one might say is a sense of European Jewish identity. Even bringing together Jewish groups in Western Europe does not always happen automatically—or quickly.

Where you do have the revival of Jewish communities, particularly where you have legislation pending that will affect their activities, you're beginning to have some of this. Reference has been made on a couple of occasions to the legislation of the Russian Duma. There have been occasions in Russia where Jewish leaders and Orthodox and Christian leaders have been sitting down together. The response in the Jewish community is due to, I think, sensitivity to the potential persecution of other groups or restrictions of other groups as well as their own situations. Perhaps in parallel ways, they are finding a kind of cooperation. Although I should say to be entirely accurate, the Jewish community in Russia itself was divided on this legislation. We sometimes joke if you have two Jews, you have three opinions. I think maybe it's a sign of the revival of Jewish life in Russia that we now have multiple opinions too. But the reality is that Judaism was identified as one of the traditional religions under this legislation. But there were many questions as to whether that would only recognize the Orthodox stream of Judaism and those efforts on the part of liberal Jewish movements would be restricted. So that, among other reasons, led to opposition to the law.

Mr. FOX. I think it goes to the whole item that we were talking about today and that is making sure that we inform and advocate and organize as many people as possible so that we can achieve some of these mutual goals that we are seeking.

I just wanted to follow up on some of your testimony, Rabbi Baker, with regard to the ten point plan for responding to religious persecution. Many of the follow-up items, which are excellent, strengthen

the universality of all human rights norms. Going by country and situation, do you see the Helsinki Commission as having an essential role in that or are there other organizations that you see as reasonably following up on some of your ten point plan?

Rabbi. BAKER. Well, I think the Helsinki Commission provides an obvious forum to address this and periodic gatherings to do it in. But I think that clearly the opportunities arise in other gatherings as well: Economic discussions, other political discussions. The U.N. is another institution where these things can be raised.

Mr. FOX. With regard to the item you mentioned about the U.S. embassy abroad and identifying early signs of religious persecution, preventing it and promoting religious freedom, do you see the State Department as having one of their officials in each embassy? A religious freedom officer or something like that?

Mr. FOX. Again, at the level you're speaking of in your testimony.

Rabbi. BAKER. Well, I think there ought to be a political officer in the embassies who have this as or at least as part of their portfolio. Then if they do that, there should be some efforts ahead of time to help train and sensitize these individuals to these concerns.

Mr. FOX. Just one final question for the Bishop. In your testimony you were talking about the efforts by some traditional churches to impose restrictions on foreign minority religions, especially in Central and Eastern Europe derive in part from a deeply felt sense of insecurity. Could you expand on that?

Bishop. MARTINO. Let me put it this way: When a church is persecuted, one among many churches, a certain bond occurs. Everyone has in common one thing: the fact that they are being persecuted.

Mr. FOX. Right.

Bishop. MARTINO. Now that persecution ends and a particular religious body which has been traditionally the state-church, if you will, or has been the religion of the majority of people finds itself back in that majority position again. They are dealing with people that for many years, they were persecuted with who have become friendly with them and expect a certain amount of help in establishing their own religious freedom, their own religious practice. Now, they found that they are alienated. They are not as friendly as they once were. I think much of this has to do with the fact that the majority of religions believe that now their freedom is going to be restored, their former friends in persecution now are really their enemies.

So there is a lot of insecurity there. I think that when they find out, as we in this country have found out over the last several hundred years, that religious groups existing side by side are not a threat to each other. Once they find that out, I think they'll be fine. But they have no history of that. They have no knowledge of that. As the Rabbi pointed out, how many citizens in the former Soviet Union would know about the Second Vatican Council or about its documents on religious freedom and ecumenical interreligious harmony. I don't think too many. So we are going to have to be a little bit patient. That doesn't mean we can be blind or insensitive to persecution and label it as such, but I think we're going to have to be extremely patient with the fact that some of this is psychological. It is just insecurity. When they begin to have a greater security with their majority status and the

generosity that requires of them, then I think they will be fine. But I think we have to be both patient and I think persistent at the same time.

Mr. FOX. Thank you very much. I have no further questions. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Fox.

I know you all are familiar with the amendment Senator Smith offered to the Foreign Operations bill, Section 577, in the final conference report. As you probably know, there was a change made from introduction because at that point when the Senate considered this idea of cutting off foreign aid to Russia, the Duma was about to take drastic action on their religious law. The language was changed before final enactment, which was a compromise of the conference committee. The idea behind the change was that it gave Boris Yeltsin another opportunity to implement the law in a way that would not be injurious to religious freedom.

We were all very concerned when the Russians passed the law 357 to 7 in the upper house. But they still have another bite in the apple, if you will, to come clean and continue progress, rather than regression, in the area of religious freedom.

Now the President has some months to certify to the four relevant committees of Congress whether there has been any statute, executive order, or regulation which restricts religious freedom in Russia. We are focusing on the implementation of the Russian law or similar government action that would discriminate, or have as its principle effect, discrimination against religious groups or religious communities of Russia in violation of the accepted international agreements.

Do you have any confidence that Boris Yeltsin will be able to keep Russia from going down the path of tightening, rather than expanding, religious freedom?

Bishop. MARTINO. I just have a question, and I don't want to appear to be answering a question with a question. But if I'm not mistaken, is this recently passed law not also subject to some review by the Supreme Court or whatever in Russia?

Mr. SMITH. In Russia, yes.

Bishop. MARTINO. So there is perhaps some hope. So that's one area of hope.

I don't believe anything is to be gained by presuming on our part what opinions Boris Yeltsin will have. I think it's important for us to present what our concerns are, and to be persistent and consistent about that. Let him live with any negligence on his part.

I think we perhaps could make too many excuses if we are not careful.

Rabbi. BAKER. I certainly think it's appropriate for us to state our view and make that clear in fact. At the same time I think having been several times to Moscow in the last couple of years and, in fact, meeting with Yeltsin's chief of staff in June, among other things to discuss the then proposed legislation, one of the things one found even in meeting with representatives of the Jewish community was an enormous cynicism about all of this.

I bring it to your attention because there are many who said whether you have legislation or you have no legislation, it won't have much effect. In other words, even if it's perfectly the right legislation, that

wouldn't necessarily prevent local and regional bodies from discriminating and making it difficult for the church and synagogue activities to take place.

And, conversely, if the law proposed certain limitations and discriminations, it didn't necessarily mean that they would be enforced. Now, I think it goes to the larger issue of, if this society is going to work its way into the democratic world, one needs to have respect for law and these kinds of things ought to be taken seriously, even if my own co-religions have their skepticism. So I think we need to be mindful of that. Also, precisely because there is still such basic day-to-day power in local and regional bodies when it comes to this issue, we need to find ways to get to them so they understand the value of laws that protect religious freedom and allow the full opportunity for religious activities to occur.

This is much more involved than difficult exchanges and other sorts of things. I think we need to be mindful if we want to create the proper environment, yes, we ought to make our view known very clearly to President Yeltsin. But, also, we ought to find these various ways to show people, as in American society, the possibilities of different religious groups working together, living side by side and finding that an appropriate and nurturing kind of setting.

Mr. SMITH. As you know, the legislation gives 180 days' leeway before the President has to make the certification. There is time to make diplomacy work, to let Mr. Yeltsin know we are serious. But, the President will have to certify one way or the other whether or not the statute is indeed being implemented. Hopefully, we can all use whatever offices we have to express to the Russian Government that the smith amendment is the law now. Unless the President is prepared—and I don't think he would be—to whitewash a cracking down on religious faith or some intolerance, Yeltsin needs to understand that there will be a real consequence to that action. The clock is ticking.

Let me ask one final question and then, if my other colleagues have no additional questions, we'll go to the second panel.

Bishop Martino, in June 1996 we spoke with the Catholic Bishop of Banja Luka, Franjo Komarica, who shared his assessment of what's going on in Bosnia-Herzegovina, that there was a systematic persecution of Catholics, the destruction of churches. We know in the last 6 months that there has been a bombing in front of the Catholic church in Sarajevo. What is the status now in terms of that kind of activity?

Bishop. MARTINO. Let me just read something from my notes I have here. As in other parts of Bosnia where Catholics are a minority, the situation remains grim. Bishop Franjo Komarica said in 1997 that Catholics have been abandoned by the international community. Croats have been ejected from their land, and they have no rights. This is a state without rights. We are like mice under the feet of elephants—very vivid imagery there.

The points are that Catholics and Muslims must be allowed to return to their homes. People must have freedom of movement. War criminals must be punished and the economy must be revived. Catholic Relief Services, an arm of the U.S. Bishops, established an office in Banja Luka several months ago and one church has been rebuilt. But throughout all of this what I'm amazed at is that what is the problem of a minority here is not the problem elsewhere; that when you are the majority you seem to have freedom and when you are a minority

you seem not to have freedom. If we just had a broad-based freedom for religion, there wouldn't be a question of whether you're in the majority or the minority. I think the numerical aspect of this is very disturbing. It's not a basis upon which to grant people rights.

Mr. SMITH. Any additional questions from my colleagues?

Mr. PITTS. Mr. Chairman, I don't have any questions, but I would just like to affirm a couple of specific methods that a couple of people mentioned; one is letter writing and another is adopting prisoners.

Since we first began to meet to plan this conference, the human rights caucus has set up a program for the Members of Congress to adopt a prisoner of conscience in China. The program gives the member an opportunity to advocate on behalf of a specific prisoner, to write to the authorities, to the warden of the prison, to raise the issue with authorities about that specific prisoner.

In my own experience in the 1980's, I organized letter writing teams on behalf of prisoners in Russia, the former Soviet Union, and in January 1988 visited some of them who had been released. One of the constituents here from Lancaster and I visited Pastor Mike Foram, who is the leader of the Evangelical Baptist denomination in Moldova. In later years, when I had him in my home here in the United States, he mentioned that when they received cards and letters in prison—and in some cases some prisoners would receive 200 to 300, some up to 900—they noticed the difference in treatment by the authorities. Even though they were not always given all of the letters or cards, they did receive them when they were released. They said they could tell when the letters were coming in because they were treated differently.

So, evidently, in some cases the letter writing from constituents to specific prisoners does serve a good purpose. Thank you for all of the other ideas that you've shared with us.

Mr. SMITH. Thank you very much, Mr. Pitts. I want to thank our first panel for not just sharing your time today, taking time out of your busy schedule, but for the good work you do on behalf of persecuted Christians and Jews and other people of faith. It is inspiring to have you here because you are the front line people who do the work day in and day out. I want to thank you for your good work.

Bishop. MARTINO. Thank you for the opportunity.

Mr. SMITH. I'd like to ask our second panel if they would come to the witness table. Beginning, first of all, with Tony Kireopoulos, who is the special assistant to the archbishop, who represents the Greek Orthodox Archdiocese of America and on the State Department's Advisory Committee on Religious Freedom Abroad as well.

Sharon Payt, a former attorney for minority religious groups in Central Asia and the Causasus, has lived in Azerbaijan and Uzbekistan and has done tremendously good work on behalf of minority groups in these countries. Finally, Professor Paul Marshall from the Institute for Christian Studies in Toronto, Canada. He is author of *Their Blood Cries Out*, a work that has contributed to the work of this Commission and I thank you for that. Also, your full bios will be made a part of the record. In the interest of time, I'd like to go right to your opening statements. Mr. Kireopoulos.

**STATEMENT OF ANTONIOS KIREOPOULOS, REPRESENTATIVE,
THE GREEK ORTHODOX ARCHDIOCESE OF AMERICA**

Mr. KIREOPOULOS. I would, first of all, like to thank Senator D'Amato and Representative Smith, as well as all of the members of this Commission, for inviting me to speak today on the issue of "The Status of Religious Liberty for Minority Faiths in Europe and the OSCE." In addressing this Commission, I represent the Greek Orthodox Archdiocese of America.

Orthodoxy holds as one of its most basic principles the religious freedom of each and every person. This principle is rooted in our theology, specifically in our understanding of the human person, whose essential dignity is found in the fact that we are all created in the image and likeness of God. This principle plays itself out in the respect thus accorded to all men and women, and to their beliefs.

The Greek Orthodox Archdiocese, then, as an American religious body, cherishes the principle of religious liberty that is enshrined in our Constitution, in our history, and in our very being as a nation. At the same time, as part of the worldwide Orthodox Church, and especially as an extension of the Ecumenical Patriarchate of Constantinople, we are impacted by the struggle for religious freedom in other countries by the simple fact that our fellow Orthodox Christians are directly involved in that struggle.

Perhaps the most glaring example of this is the bombing that occurred just 2 days ago at the Ecumenical Patriarchal Center. Fortunately, no one was killed, although a deacon was seriously injured and the Cathedral badly damaged. His All Holiness, Ecumenical Patriarch Bartholomew, was not at the Center at the time. The bombing, reportedly attributed to "Muslim radicals," was the third such attack in 4 years, the most recent being in September, 1996.

The news of this latest attack was particularly troubling given the visit of Ecumenical Patriarch Bartholomew to the United States just a few weeks ago. As you will recall, while His All Holiness was here, he was received and honored precisely as a champion of human rights, and especially of religious freedom, and as a man of peace, by the President and First Lady, the Vice President, the Secretary of State, and the U.S. Congress, which awarded him the Congressional Gold Medal. This attack was certainly a threat to all peace-loving people of the world, as well as to the religious freedom of all people everywhere.

What was also troubling was that this attack occurred less than a week after hearing reports from Istanbul that the Halki School of Theology, which belongs to the Ecumenical Patriarchate, and which was closed by the Turkish authorities in 71, in itself a flagrant violation of religious freedom, was likely to be imminently re-opened. What was cautious optimism for increased freedom has turned to fear of a continuation of the long-standing oppression of the Orthodox Christian minority in Istanbul.

In the discussion of religious liberty for minority faiths in Europe, many questions of course arise: of degrees of persecution; of perception and reality; of the historical and ongoing role of the Church in society; of established state churches and the treatment of minority religious groups; of social stability as a requirement for the successful transition to democracy; of different social philosophies and resulting social frameworks; of cultural clashes and ethnic conflicts; of peaceful coexistence, proselytism, and respect for indigenous faiths. I

raise these questions not so much to address them in any systematic way, but to bring some perspective to our evaluation of issues relative to religious liberty.

For example, and perhaps I am anticipating more questions from the members of the Commission, much discussion has taken place in governmental and non-governmental circles about the new law in Russia that regulates churches and other religious groups. Largely, the international reaction has been negative. Because it involves what has traditionally and historically been considered an Orthodox country, the question of the law's propriety is directed at Orthodox Churches.

The response of the Orthodox Churches by and large has been mixed. The Greek Orthodox Archdiocese of America has, as an American religious body, on the one hand been concerned with the passage of this new law, both because it goes against our grain as Americans, and also because of the random acts of persecution that will likely occur—or have already occurred—in the name of that law. On the other hand, as part of the worldwide Orthodox community, we sympathize with the Russian Orthodox Church, whose support for the new law was based on very real pastoral concerns.

Indeed, in one of his speeches during his U.S. visit, Ecumenical Patriarch Bartholomew, while not defending the Russian law, made a statement meant to start people thinking as to why such a law might be passed, and why, even though it generally would not be consistent with Orthodox ideals, it would receive the support of his brother heirarch, Patriarch Aleksy. He said: "In other parts of the world, the Orthodox have been deeply vexed by the proselytism of her faithful by communions to whom she has shown love and respect in America. In lands where the Orthodox Church is recovering from decades of persecution, a new threat to the Orthodox faith has appeared. Many missionaries from the West whose voices were not heard during the decades of oppression, have come not to lend support, but to convert Orthodox believers. Orthodox who had suffered for generations had expected the prayers, the support and the encouragement of their ecumenical partners. Sadly, they have been treated like the servant who is tortured by another servant who was himself treated with mercy by his master. 300 million Orthodox Christians seek the very guarantees of love and freedom that our sister churches have enjoyed in the name of religious freedom."

As a bishop and a pastor, he could well have been asking: if the claim is true that more Christians have died for their faith in this century than ever before in the history of Christianity, can we so easily dismiss the Orthodox Christian martyrs of the 70-year-old Soviet regime who made up the majority of this number? And, can foreign religious groups honestly preach with a pure heart while they continue to ignore the history, culture and sacrifices of the people to whom they preach?

As a statesman, he could also have been asking: are the Russian people, whose very identity was formed largely by the Orthodox Church, perhaps right to feel threatened by foreign groups just as they are trying to re-form their society? Or, can a nation afford the social tensions caused by these groups just as democracy is beginning to take hold?

Some may think that I am overstating the case. But it remains a fact that an overwhelming majority of the Russian Duma supported this law, including religious and non-religious members alike. It remains a fact that this is how foreign groups are perceived by Russians, and most assuredly by people of other countries whose cultures have been formed largely by their identification with particular religious and who are now confronted by an onslaught of groups seeking to convert them. It remains a fact that, if religious freedom as we know and love it in America is to truly be achieved in Russia and other places, answers to the above and other complex questions must be found.

To illustrate this point, I refer you to an essay in the *Christian Science Monitor* dated October 28, 1997. In it the author presents a striking image. Looking out over a Siberian city as his plane was landing, he was pleased to see a new cathedral with a "giant, shining, gold dome dominating the skyline." Thinking it was an Orthodox church, because of its Orthodox architecture, he was later struck to find that it was a Baptist church. His reaction went like this: "How many gold-domed Baptist churches are there in the world?" The philosophy behind such an unusual architectural decision is easy to guess. Gold-domed churches," he goes on to say, "are what real churches are supposed to look like to people of the Orthodox culture. The Baptist church is deliberately confusing to the spiritually hungry and ideologically disoriented people of post-Communist Russia, where visible forms of religious life were nearly completely uprooted during decades of state-sponsored atheism . . . By building a church so clearly designed to attract people of the Orthodox culture, local evangelists and their [foreign] sponsors inspire the feeling among Orthodox Christians that they are trying to steal the soul of Russians whose destiny but for a 70-year Communist detour would have been the Orthodox Church."

Whether or not his conclusion is correct is not the point. The perception, however, is real. Very real.

In conclusion, it is a fact that we cannot deny another's perceptions if we want to have honest dialog. If we are to engage the Russians, or others, in a dialog on religious freedom, we must understand their perceptions. If we seek to change their perceptions, we must confront the causes of these perceptions. It is only in this way that the principle of religious liberty will be served by the truth it deserves. Thank you.

Mr. SMITH. Thank you very much. Ms. Payt.

STATEMENT OF SHARON R. PAYT, ESQUIRE, A FORMER ATTORNEY FOR MINORITY RELIGIOUS GROUPS IN CENTRAL ASIA AND CAUCASUS

Ms. PAYT. Thank you for the great honor to speak before you today. Permit me to present a rather personal perspective regarding the governmental treatment of minority faiths in Eastern Europe and in Central Asia.

As an attorney, I specialize in human rights advocacy for religious minorities internationally and I'm presently on the staff of Senator Sam Brownback of Kansas. But after the demise of communism, I had the unique experience of residing throughout Eastern Europe for more than 2 years where I engaged in "onsite" advocacy as a lawyer

for persecuted religious groups. In that capacity, I represented leaders in communities experiencing severe religious persecution from national governments. So permit me to, as I said, speak from that perspective.

They suffered a myriad of offenses which ranged from imprisonment and dramatic incidents of church closures, to property confiscations and scurrilous media campaigns in the state-sponsored press. Intervening "onsite" at the point of conflict, I negotiated legal strategies, accessed international human rights resources, and "publicized" or tried to publicize events of persecution in the West, which at that time was not very successful because of the lack of response from mainly secular organizations. But thanks to the good work of groups such as yours, I believe that has changed dramatically within the last year or two.

My in-country work produced this undeniable conclusion: National registration requirements are still routinely used to control religious activity and unduly infringe upon the two fundamental rights of association and assembly. In fact it can be said that the frequently onerous registration process mandated by national governments throughout this region of Eastern Europe and Central Asia, these are the primary human rights infringements upon minority religions in this region.

Failing registration status a group is labeled illegal, acquires an outlawed status and suffers a wide range of consequences. These consequences can include incarceration, property confiscation and dramatic closures of group assemblies, among several other punishments. Most of the time it simply gives local officials carte blanche for endless harassment if desired.

Permit me to make one other large conclusion. The new recent law in Russia on religion represents the single largest regional risk to the freedom of religion by reason of bad influence. It could substantially reverse the trend away from democratization and toward a new era of oppression and control of religious activity. It is anticipated that several other former Soviet nations will follow suit. Presently, at least six countries are seriously considering revising their laws toward this unfortunate Russian model. Other countries have already implemented similarly onerous provisions throughout Eastern Europe and Central Asia.

A religious group which fails to obtain legal registration from the National government must sometimes go "underground." Let me paint a picture for you of who they are, for these are the people I worked with personally throughout the region. Thus, consider this anonymous composite illustration of people I have known of a relatively large church of 500 people who have been denied legal status, say, somewhere in Eastern Europe or Central Asia, and are now forced to meet secretly. This illustrates what groups do when they become illegal according to these onerous registration requirements.

First, the church profile: The church has probably been meeting for less than 6 years and the pastor may be extraordinarily young. He maybe in his mid-twenties, even though the congregation is large. 500 people is a large congregation within these regions, unlike in America.

The church membership consists of mostly women, about 70 percent. They are probably poor or very poor and they are typically very young (teens and in their mid-twenties) or they are retirement age. There are few, if any, professionals and hardly any middle class participants who are also mid-aged. In their registration trouble, local lawyers are reluctant to help them since the group is considered "politically incorrect." In fact, often they cannot obtain legal counsel for advocacy. This would be considered professional suicide for the average secular lawyer to take on the representation of a group such as this. The only real professional help they can expect is from the indigenous Helsinki Committee or a struggling human rights group, unless someone else intervenes from the West.

The church has probably been running a "culture palace" somewhere in a central location, and having lost legal registration will be denied further occupancy. It should be noted that almost all large venues are still state-owned and therefore when a group loses its registration, it often will have that rental agreement terminated by the government. It's not unusual for groups to move their locations every other month—maybe five, six times a year. They frequently meet in movie cinemas. If that cinema or other larger hall is privately owned, then it's common for national government security personnel to contact the property owner and harass the property owner or even threaten them until they refuse to continue renting to the religious group.

Now the group is officially illegal and prohibited from meeting openly. If they do, their leadership can be arrested immediately, perhaps even in front of the congregation. I'm going to tell you some stories that I have been involved with personally. Although this is rare, the spectrum looms large. In Bulgaria for example, the pastors were hauled away in handcuffs on a Sunday morning while preaching in front of a congregation. This was done by national security forces. The pastors were then thrown into jail and not released until they signed a false confession, which was then subsequently published in the state-sponsored press on the front page. Or permit me to present the case of another young pastor in Tashkent, Uzbekistan who has in the last year or year and a half been arrested twice for merely conducting unregistered church services. The last incarceration placed him in a dirt-floor cell the size of a queen bed occupied by eleven other cellmates. He was refused legal counsel and outside contact for the days of incarceration, then released with this one simple warning. If caught conducting one more unregistered service, he would be incarcerated for 3 years under similar conditions.

Now, gentlemen, we are not talking about Communist era laws. This is present day. Even as we speak, he's in hiding.

This group of 500 then decides to break up into smaller cell groups which will meet in private apartments. These weekly meetings will be attended by 15 to 20 people, led by a lay member. The small groups are safer since it's easier to identify infiltrators. When the congregation was meeting publicly, they were probably frequently visited by personnel from the National security forces. It should be noted that several countries do have national personnel dedicated to monitoring religious activity, even now among this region in Central Asia and Eastern Europe and they do attend church services for that purpose and do report regularly back to security forces.

These 25 to 30 cell groups may gather monthly, or less, at a clandestine location for a mass meeting. If the pastor is being seriously watched, extraordinary precautions will be taken. Sometimes such mass meetings are held late at night, outside of town, in an open field or in a forest.

In our case, in this illustration our cell group leaders are the only ones who know the eventual destination and individually lead their small groups through different routes to a forest one and a half hour outside of town.

Perhaps, the congregation meets secretly together tonight in a forest outside of town. Even though it is December now—talking hypothetically, but this is happening—even though it's December now and it's very cold in these places, they will sing a *cappella* for an hour for example, then there will be preaching for 2 hours for example and the preacher will preach on a stump, and people will stand and listen all of that time and it will rain and they will not leave. There will be people watching at the fringe of the group to alert anybody if the security forces come and the group can scatter without being caught.

This month this will happen somewhere in Eastern Europe and Central Asia, a congregation will meet in such a fashion. Such difficult places where this may occur could be Uzbekistan, Turkmenistan, Bulgaria, Romania, Albania, Macedonia, Armenia, and Azerbaijan, to name only a few. All are party to the Helsinki Accords, which is frequently the most significant human rights document available for purposes of religious freedom advocacy.

To summarize, because so many are relying on their strategic advocacy of a few, which can and does result in significant positive change, the future of religious freedom hangs in the balance and the Helsinki process is the single most important mechanism on the ground for preserving religious freedom in Central Asia and Eastern Europe. I know because I've been there and this is the only game in town in many of those countries. So let me personally commend you for your incredible crucial concern on this issue. It can change things.

Mr. SMITH. Thank you very much.

Prof. Marshall.

STATEMENT OF PROFESSOR PAUL MARSHALL, THE INSTITUTE FOR CHRISTIAN STUDIES IN TORONTO, CANADA

Prof. MARSHALL. Thank you very much indeed for inviting me here today. I, too, would like to commend the Commission and especially the members here present for their concerns and for their work.

I've submitted a longer written testimony which is more detailed and gives examples of the things I will mention and also includes all of the on the other hand beloved biomechanics.

For the moment, I will briefly summarize what is contained there, concentrating on outlining some of the major factors affecting the liberty of minority groups in the Eastern Helsinki areas. A few notes should be made, firstly, freedom of religion necessarily involves rights far beyond those that explicitly mention religion. Freedom of speech, freedom the press, freedom of association are also freedom of religion. Without them any mere freedom of worship could easily become irrelevant.

It is also true that religion is usually tied in with other concerns. There are few cases where religion is the only factor in a conflict. At the same time I think it's more important to emphasize that we should beware of reducing religious tensions merely to other factors. This is particularly true for western academics, who have great difficulty in acknowledging religion as an important factor in its own right in society. And, especially, so we should be cautious about defining religious conflicts as ethnic conflicts, which is a particular trait in the American academy.

In terms of inquiring about religious persecution we need to ask the question: If these people had different beliefs, would all or some of what they suffer still be happening to them?

In terms of basic factors in these areas affecting minorities I will mention four. The first is repressive strains within Orthodox Christianity; the second is militant Islamic movements; third, the authoritarian legacy of Communism, now often combined with nationalism; and, fourthly, the right to propagate one's religion.

Much of Eastern Europe and the C.I.S. has been molded by the view that government control of religion is simply the normal state of affairs. Particularly with this history and while Protestantism and Catholicism have, in principle at least, supported religious equality, there is still a tendency within many Orthodox groups to intertwine the concerns of churches and states. This conditions many Orthodox to accept and even welcome state-imposed practices. Other religious bodies, whether Catholic, Protestant, Islamic, Jewish, or newer religions can often be treated as foreigners and interlopers. One finds examples of this in Romania, Bulgaria, Ukraine, Armenia, Belarus, and others particularly in the recent Russian religion law, which had strong Orthodox backing and lobbying.

In terms of background for this law, it is important to note that there certainly is an influx of troubling sects into Russia—the Aum Shinri Kyo, accused of nerve gas attacks on the Tokyo subway, has far more members within Russia than it does in Japan, I think, by a factor of four or five. So there really are groups to be concerned about, as well as some disturbing home-grown ones. It is also true that some evangelical missionary groups, certainly not all, have been highly insensitive to Russian culture and the place of the Orthodox church. Concerned about these things many Orthodox have tended to regard all such bodies as intruders, even groups such as the Catholic church and bodies such as Baptists who have deep roots there.

We should sympathize with the Ecumenical Patriarch, Bartholomew I, and here I'd like to second some of Mr. Kireopoulos' remarks. In 1995, at the World Council of Churches he remarked, "After enduring 50 to 70 years of pitiless persecutions," the Orthodox had expected fraternal support or at least understanding instead of being targeted. In North America Leonid Kishkovsky has spoken of many Orthodox having a sense of being wounded by other Christians. In terms of the persecution of Christians essentially, it's important to note that the most persecuted body within this century has been the Orthodox churches. We should bear this in mind and I hope it will give us a greater ability to understand some of the dynamics which are taking place in the East. However, even with all of these qualifications, the only effective solution to these types of questions is by dialog between the bodies concerned and the revitalization of the church itself.

Legal repression is not only unjust and a violation of human rights standards, but it is also likely to be counterproductive and to make the situation much worse. As indeed, I think it does already in the equation of other religious groups as foreign ones, where in many cases the people we are talking about are of course in the vast majority of incidences Russians or Romanians or whoever.

In terms of militant Islamic movements, so far there have not been any successful moves to form militant Islamic states in Eastern Europe or the segments of the CIS with large Muslim populations. However, in Central Asia there is communal violence coupled with local repression by authoritarian leaders who are holdovers from Communist days. In Uzbekistan there are restrictions on the freedom of non-Muslims, for example, restrictions on importing or distributing Bibles. There is a popular and growing idea that to be a Central Asian is to be a Muslim.

If we shift focus a little, while Turkey describes itself as a secular state, there continually non-Muslim groups are repeatedly harassed and suffer discrimination.

We have referred already to the bombings, not the first, taking place in Turkey. But there are pervasive discrimination and harassment of non-Muslim groups throughout Turkish society.

A third general category is authoritarian nationalism. In many cases, Communists, former Communist leaders and Communist ideologies have been taken over by a particular form of virulent nationalism. This often includes violence against foreigners and minority religious groups treated as foreigners. One finds this, for example, apart from the countries mentioned previously in Albania and in the Ukraine. Where, again, in Turkey, apart from the repression of non-Muslim Jews, the Turkish government is also repressing Islamic education, including schools, all in the name of secularism. One gets castigation of minority religions as foreign, for example, in Armenia, Bulgaria and Moldova, apart from other obvious examples, such as in Serbia and Croatia and to some degree now even in Bosnia. This type of nationalism also represses Islamic bodies. The Government of Kyrgyzstan has banned the main Islamic community. In Uzbekistan, Islam Karimov's government has detained Muslim leaders and closed down mosques. There are dangers that in these areas one could start to get the same type of conflicts that have appeared in the Caucasus and develop into the nightmares which have taken place in the Balkans.

The fourth thing I'd like to mention is the right to propagate and to change one's religion. In many of these areas, we can distinguish between the treatment of what are called "indigenous" minority religious groups, "foreign" groups, and converts. Long standing religious minorities are often given freedom to operate, though sometimes with a second class status. Newer groups are often dismissed as "foreign."

And let me repeat the point—the word "foreign" is continually used. But the people we are talking about are nationals of the countries concerned. They are not foreign at all. They were born there and raised there and they are citizens. But they are often dismissed as "foreign" and hence restricted.

Someone who changes, or wants to change, their religion can receive some of the worst treatment since they are often pictured as apostates and betrayers.

This is an important point: The rights to witness to one's religion is simply the right of free speech. It is simply a right claimed by everybody else, also often dismissed as importing foreign ideas. For example, human rights activists or political dissidents or environmentalists or feminists, all say things which often unsettle particular established orders and they also demand correctly the right to be able to state their views. The right to speak of one's religion is simply another aspect of this and is guaranteed in international human rights standards, as is the right to change one's belief.

I emphasize these particular points as in the modern world they have few friends and they therefore need a special protection.

In the future I see few reasons internal to the region at present to think that these patterns will change soon. In this situation external pressures are also important—to pressure governments about unjust practices and particular cases of persecution and discrimination. Particularly, in this relation we need to combine this with a press for ongoing legal reform.

But, second, apart from such pressure, there are other important dynamics. In several of these countries the laws already on the books give a paper guarantee of religious freedom already. What is important here are different attitudes on the part of government functionaries and, in particular, more human rights training and more human rights monitoring. So, in fact, when laws are present, they can be administered in a good way.

Thirdly, apart from the activities of government it is especially important to call for and support openness by religious movements themselves and to encourage movement moves toward dialog and internal religious reform.

Fourthly and finally, authoritarian nationalism, in many areas, simply denies the types of freedoms which we are advocating here. But unlike particular aspects of Orthodox history or Muslim history—unlike those, such nationalism does not really draw an on overarching standard. For this reason I think it is likely to fall more susceptible to outside pressures. In any case with all of these factors at work, there is more than enough work for this Commission to do.

And let me once more commend it for the work it is doing. Thank you.

Mr. SMITH. Mr. Marshall, thank you for your testimony.

Just to begin the questioning, Mr. Kireopoulos, I take your point and appreciate the insights you give in terms of the understanding of Orthodoxy toward registration and freedom of religion. You might want to expand upon that a little bit more.

I'll never forget a meeting I had with Mikhail Kazachkov, who was one of those political prisoners on whose behalf I had worked, as did others. We visited him in Camp 35. When he got out, he helped start a group called Open Christianity in St. Petersburg. He made the point that some of the groups were so culturally obtuse that they were talking about the King and the Czar in a way that was actually driving people away. So the presentation certainly left something to be desired.

Having said that, though many of us are concerned that registration requirements and very strict adherence to it could be the harbinger of more severe and more cruel means of crackdown on religious groups.

Ms. Payt, you might want to speak to this as well as Professor Marshall. In Romania, clearly, it is better under current President Constantinescu than former President Iliescu. Many of us had grave doubts about Mr. Iliescu, as to how he came to power. But, Romania seems now to be moving in the right direction in a number of areas.

Yet, this past year—March 1997—a letter dated March 25th was sent by the State Secretary Dr. George E. Gelescu, who wrote, “We inform you that permission for building places of worship, churches, chapels, houses of prayers, synagogues, mosques or annexes thereof can only be issued to the local associations of the following churches which are recognized by the state.” Then the permission is granted to some 15 groups with the effect that some 170 religious associations would be adversely affected by the ban. The Romanian Helsinki Committee responded—this is their statement—to the letter of the State Secretary for Cults as well as the decisions of the local city councils. Issues raised reflect what Rabbi Baker was talking about earlier, how at the local level, too, they follow the lead or take the lead themselves to further the crackdowns. The letter notes that these actions “are an infringement on the provisions and principles of the Romanian constitution.”

Again, registration is used as the wedge and the consequence is quite negative for many people with whom I may disagree, with whom we all may disagree, in terms of what they practice. Provided they don’t step over certain reasonable barriers, or lines—brainwashing or using hallucinogenic drugs or peyote as we had in our own country. Such laws may be used in a way that could crack down on religious practice. In this case, 170 religious associations are affected.

How do you respond to that?

Mr. KIREOPOULOS. And I see the same concern. I do not defend the Russian law. As I said in the testimony, it’s inconsistent with the ideals of the Orthodox faith.

The only point I was trying to make was there are very real perceptions. When it involves the majority of the population, the head of that church, in the Russian case for example Aleksy, it’s almost as if he has no choice but to support something like that. From our end, we must pursue in any way we can the removal of that law.

However, as Bishop Martino said, there’s no history there as we have in this country of such religious liberty. There is a cultural difference, there’s a psychological difference and there’s a philosophical difference. We can’t assume that overnight something like this could change.

We can certainly press. In fact, in some countries, on a case by case basis, it is improving. The same thing with Greece, where the cases are increasingly being influenced by the decisions of the European Court of Justice. So when they are inconsistent with European norms, it comes back to the Greek court and the Greek courts then increasingly are coming around and saying, well, these are international standards that perhaps we should abide by and eventually things will change.

However, there is still the mindset. In Greece there’s a history of domination by another country. In Russia, there’s the totalitarian rule that exterminated nearly all of the religions.

So these kinds of cultural influences and historical influences do not allow it—it's not easy for us to change them at this point. These perceptions on the part of these other people are very real.

I'll leave it to Ms. Payt . . .

Ms. PAYT. There are so many things you can say on this subject. Let me just make a few broad comparisons.

First of all, the registration requirements are quite typical of Communist governments. So you're seeing the vestige of the Communist influence upon national laws regionally throughout all of Central Asia and Eastern Europe. So I think that given the fact that the wall has only come down recently, it's a natural tension between the old Communist ways of control and the new upcoming tendency toward democracy.

The people in the governments in high places, of course, are very aware that they are being looked at right now and I think they are sensitive to any kind of calling out of these problems. I know that they are struggling right now on where to draw the line.

And if we can participate in this dialog with them and encourage them to draw more tolerant, a more benign definition for what is proper religious activity, then many, many people will benefit.

So I know it's a complicated problem and there are many factors involved in this, but I think the bottom line is that we have a real opportunity to influence these nations right now and several of them, especially in Central Asia and Eastern Europe, they stand in the balance toward going back to the old Communist ways or moving forward toward democratization. It doesn't take too long to push it one way or the other.

The Russian model is going to be a very serious influence within this dialog—within the debate.

Mr. KIREOPOULOS. A negative influence.

Ms. PAYT. Absolutely.

And if we don't counter with a positive influence advancing very aggressively international human rights norms, you will see a substantial slipping back to the old ways.

Prof. MARSHALL. Let me just emphasize this particular point, that such a law will make the situation worse, including for the Orthodox church.

It will polarize people. Ms. Payt described the dynamics of that. You end up getting people arrested. So that will produce animosity toward the Orthodox and it will cut down possibilities of real discussion. So it will polarize the society.

I was visiting a Metropolitan in Minsk in 1994 and one of the things which struck me was the lack of knowledge of groups with each other. I heard Orthodox people complaining to me about all of these Protestants, and how horrible they all were without realizing that half of the people that were cooperating with and actually working in Orthodox facilities were Protestant.

So you have those confusions. I think it's important for that to be overcome.

Just to mention, one of the fastest growing groups of religious groups in North America are Evangelical Orthodox churches. So there are real possibilities of opening up that, which this law is likely to close down. So it's destructive in more ways than one.

Ms. PAYT. If I may just add one other comment to that. The law itself can be applied in various fashions and local authorities are notorious for applying it in an even more striking fashion. So we may not even hear of how bad it's getting. But if it's bad in Moscow, it's very bad in the hinterlands.

Mr. SMITH. Let me ask you, Secretary Talbott recently delivered a speech on Central Asia and U.S. policy toward that region. Is the administration to your knowledge pressing Uzbekistan Government, particularly in the case you mentioned? Are they raising it?

Ms. PAYT. Yes, sir. To my knowledge they are in communication with him. In fact, I just called the State Department on that last week.

Mr. SMITH. Mr. Fox.

Mr. FOX. Thank you, Mr. Chairman. Thank you to the witnesses for your candor and your outstanding testimony.

I did want to begin by asking this question. I assume the registration requirements violate the freedom of religious belief and practice. But do any of the countries that have successfully guaranteed genuine religious freedom or liberty still require registration?

Mr. KIREOPOULOS. Certainly, I guess there are hosts of countries that would have that conflict, Greece for one—I might as well bring it up. But, then again, on a case by case basis it has improved according to international norms better than in some of the other countries, like Germany and others, which don't usually come under this kind of scrutiny.

Ms. PAYT. There is very substantial improvement within Central Europe. In fact, the Czech Republic is renowned for serving as a beacon for human rights, including religious freedom. Many advocates use progress as a basis for advocacy into Eastern Europe.

Prof. MARSHALL. Just one comment, registration covers a wide range of phenomena and in nearly every country to act as a legal body needs some form of incorporation and recognition by the government.

So the question is usually whether such registration is easily available and given out with an even hand. In the countries which do have religious freedom that is what's happening and then you can debate whether it should properly be called registering.

Mr. FOX. Let me just follow up with this question. I first want to make this comment, that I think in the United States, obviously, any kind of registration would be considered an infringement on freedom of speech.

But I just wanted to ask in terms of the persecution we've seen over in Europe, the United States Congress approved and signed a law on December 26th, the Foreign Operations Appropriations Bill, which included language forbidding aid to Russia if that government discriminates against religious minorities in the Russian federation and violation of accepted international agreements.

Do you think that withholding U.S. aid is a constructive response?

Mr. KIREOPOULOS. On the face of it, unless we take into account the context and the possible related issues, I would say that would be fine. However, contextually, culturally, just as an example, many evangelical groups consider the Orthodox and the Catholic church to be non-Christian. So, therefore, that becomes the motivation for missionary activity. You can see this even in one of their Biblical com-

mentaries where it identifies those two churches as two of the first churches that fell away in Revelations, and, therefore, are not Christian.

So, therefore, when you have a majority of a population adhering to that and their culture has been formed largely by that, not only is it a religious threat, but also a cultural one, which then leads to potential for societal instability in every other kind of realm.

So, therefore, unless we understand the full range of this, it could be potentially dangerous.

Mr. FOX. Other members of the panel?

Prof. MARSHALL. I think it's a constructive response, but I don't think it would have as much effect as some other possible steps which also need to be taken.

Mr. FOX. What do you recommend?

Prof. MARSHALL. One important thing is to strengthen and encourage the establishment of NGOs in these countries, NGOs that can firsthand engage in education about what laws are on the books and if those laws are any good. In some cases the laws aren't bad or else the laws are capable of many different interpretations. Particularly the question will focus on how the law will be implemented. The question is how will we know how the law is being implemented.

So the question is of monitoring and looking for spaces of room within that law. Because it can be pushed in various directions.

So human rights monitoring, human rights lobbying, human rights advocacy. Supporting those developments within Russia I think could have a large practical effect.

There is still openness at those levels.

Ms. PAYT. I think it's worth noting, Congressmen, that there was a visible backlash to the law in Russia and it may have even forced the hand of some of the moderates to come into the camp of the more nationalist lenient forces, thus getting this law passed.

So even though it's satisfying on the one end to make a big statement here in America, I think at the same time simultaneously we have to remember what may be the response in a country underground.

Mr. FOX. Let me just follow up. You gave riveting testimony about the problems of the experience with religious persecution. On your last page you talked about obviously to the extent that Americans and Europeans are responsible for religious issues, can improve conditions and obviously through dialog and just talked about the advocacy and the monitoring.

Not that there's a silver bullet for this, but where do you see us as a world group working together? What do you think from your perspective is the main answer?

Ms. PAYT. I do know that there are several different solutions for this very large problem. But one model I would like to advance is individual advocacy onsite in these countries.

There's been wonderful work done in America through academic circles; it's commendable and invaluable. There are wonderfully brave religious communities within these countries who continue in their faith even though they are embattled. I think that if there are those that can bridge the two that there will be a really significant synergy produced.

In this regard, I'm going to advocate for advocates to step up to the plate and begin to do more onsite work. It doesn't have to be that large of a commitment. I think maybe a good deal of homework beforehand can get you a long way. Spend one or 2 weeks working among the various communities—religious communities, across denominational boundaries and even across religious boundaries, in order to understand holistically the problems with persecution. Then you can make the case in a very diplomatic way with national governmental forces.

I think sometimes we omit to engage them in dialog because we already presume that they cannot be convinced. However, I found the contrary to be true; that when I did have an opportunity to speak with them personally, I can attest that sometimes it did result in significant positive change. And, therefore, I'd like to encourage others to begin to consider attempting the same.

Mr. FOX. Do you think that with those elements you need some teeth into it with regard to maybe the U.N. Resolutions there?

Ms. PAYT. Yes, sir. It's only one element, but definitely that's another necessary one.

Mr. FOX. Thank you, Mr. Chairman. I appreciate the opportunity.

Mr. SMITH. Thank you, Mr. Fox.

Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. Kireopoulos, what are the specific problems facing the Greek Orthodox church and do those problems differ in any way from problems facing other religious minorities in the OSCE?

Mr. KIREOPOULOS. Well, the most glaring problem would be the Patriarchate in Istanbul. That church has been present since the first century. It has been a Patriarchate since the second or third century and the chief Patriarchate of Orthodoxy—and, in fact, of the Christian world at the time until the 15th century—but for Orthodoxy since day one.

Since the fall of Constantinople, obviously, there was occupation. But for the better part of the century it has been a small minority in that country. However, at the beginning of the century there was a forced migration along with the massacre of 1.5 million Armenian Orthodox by the Turkish government—systematic genocide—the forced migration also then of the Greek Orthodox.

Since that time it's been a very small population. It probably started with a million or so at the beginning of the century with 10,000 after the migration, and now it's down to about 3,000 or 4,000 people at the most. But in that time it's been a minority that basically sticks to itself and has been co-existing along with the Muslims as it had since Islam started in the seventh century. So it's not a religion that goes out to proselytize.

Now, that's not to say as far as the similarity to other groups, it's very similar to other groups. The only difference I would say would be in their evangelistic methods or whatnot. For the Patriarchate it's been just a largely co-existing group alongside a larger Islamic majority. Beyond that, I can just say that it's similar to other groups. But I don't want to start comparing apples and oranges.

Mr. PITTS. Thank you.

Sharon, you had some very interesting testimony. What are the major concerns of Christian leaders with whom you worked with in Central Asia? What type of assistance do these communities or other minority religious communities request as they combat these governmental restrictions?

Ms. PAYT. Thanks for asking that, Congressman. One of their bigger problems, of course, is isolation.

Mr. PITTS. Isolation?

Ms. PAYT. Isolation, lack of information, and lack of human rights resources. If I could just revisit this again, that's why on-side advocacy from the West is so important because it does bring information, human rights documents, contacts, and an opportunity to publicize events of persecution that occur underground.

For example, the smart young pastors in Tashkent want to get hold of international human rights documents; they can't find them. It's prohibitive to get onto the Internet, for example, because the nearest mode is maybe too far for them, it's \$5.00 a minute for the hook up. So when you're making \$50 a week or \$100 a week, it's simply too much money. So they don't even have access to the basics in information.

I think that if we can empower them with if they can be convinced that they are a part of the international community and entitled to these international norms, then it seems to strengthen them to a degree that's really extraordinary and it keeps them in the fight. I think it also reflects what we were talking about, how the refusniks when they were in Camp 35 and found out that protest was being made on their behalf, that it kept them in the fight and the same is true in this case.

Mr. PITTS. Do certain minority religions face more discrimination than others? If so, why?

Ms. PAYT. Well, I believe that there is a general animosity against minority religions. I can't really speak to the degrees there. I do know that persecution against Christian minorities is very marked, perhaps because they do represent the largest minority within that region. They're also rather open in their witness, in their sharing of belief, because that is part of their faith practice.

So I think maybe they are more likely to become victims of official government-sponsored persecution.

Mr. PITTS. I know the Chairman has proposed in the past establishing something of a Helsinki-type commission for Asia. What do you think of such a possibility and how can we implement such an idea?

Ms. PAYT. I think the time is right, if I may make that bold statement. If I can just reflect back on the effectiveness of this Helsinki model throughout Eastern Europe and Central Asia in my own experience, it's really phenomenal, it's practical and it's effective and it has introduced international norms—really inserted them into the debate. I think maybe the same dynamics could be implemented throughout Asia and, particularly in Communist China, if they would participate.

Mr. PITTS. Dr. Marshall, what does your research indicate to be the most pressing problem facing the persecuted church in Central Asia or Eastern Europe? Is there one problem more pressing than another?

Prof. MARSHALL. It's hard to select from these because there are different factors in each case. Let me use the expression authoritarian nationalism which combines itself with identifying a particular religion within a country. What you have is governments whose legitimacy is weak and whose democratic credentials are also weak. In order to strengthen themselves, they appeal to nationalism. So you create enemies; to strengthen that nationalism you appeal to a particular religion. The starkest form of this is the former Yugoslavia and you can have that type of breakdown when you have former Communist functionaries wrapping themselves in the flag of Orthodoxy. Now, they claim this is the symbol of what they've been defending, but they were persecuting it before.

So you have that pattern repeating itself throughout Central Asia and that can be, depending on the government, defending Islam or looking for Islamic backing or it can be persecuting Islamic groups if it feels they're threatening to it. There can be occasionally an identification of some of these countries with Orthodoxy and Islam against the rest. But usually the goal is to create an us versus them dynamics whereby you can identify with the majority of us, which is a religious majority, (so that particular dynamic can combine itself with a few religions), I think is the largest single threat.

Mr. PITTS. You mentioned that some citizens who are indigenous nationals to a country are considered foreign by their neighbors. How can that viewpoint or how will that viewpoint be changed? Why is that occurring?

Prof. MARSHALL. I'm going to focus just on how you changed the question to viewpoint. Only by discussion amongst the people concerned. Take the example of Russia, religion which is treated as foreign, you get Pentecostals or Baptists, who have been there for over a century. Now, comparing it to the Orthodox history that's not long, but *00 years* is a long time. I think those things have to be realized.

So I think the most important thing for overcoming perceptions is actually having people meeting and talking and not stereotyping each other. So in this area at least religious dialog and education becomes very important. I don't offer that as a substitute for political action, but it is important in its own right as well.

Mr. PITTS. I know when I met with the Supreme Court in Moldova in January 1988 they mentioned the term Baptist. Anyone who wasn't Orthodox or Pentecostal was Baptist, although there were various denominations. I Although I am not a Baptist, I said I'm a Baptist. I tried to identify with the people that they were discriminating against and I tried to make the point to them that if they want a good relationship with our country they had to start treating people of minority groups with dignity and respect; that these were honorable people who worked hard, and didn't get drunk on the job, they showed up for work, they were conscientious people, but they believed in having freedom of belief and free speech. The Supreme Court had a very hard time understanding that. They said free speech is violent. I tried, again, to get the opposite point through to them.

But I think your point of dialog is a very important one.

Prof. MARSHALL. And also to experience that in action. You realize the world doesn't fall apart if you have different groups and argue with each other and people are allowed to say things. A lot of it is a

very real fear. If these things happen, we are going to erupt in chaos again. To learn that that is not in fact the case, decreases tensions, rather than increase them. That is an important lesson.

Ms. PAYT. If I may, too, just add one brief thing to that. I think Americans and the English are so strikingly committed to the concept of free speech that we are the natural entities for making this case. And, in fact, that's true within these countries; that it's very clear when you're there that they look to us, to America and England, to continually remind these other countries of the need for religious freedom. So it's a very important position we have. We have a really deep responsibility to speak about religious freedom to national government officials.

Mr. SMITH. The other panelists might also want to answer: on that question, are you satisfied with the job our Ambassadors and our human rights officers are doing in these respective countries? How well or poorly are they doing? Are the NGOs in these countries—American NGOs (and those with American influence)—able to operate freely? Thirdly, with respect to the National Endowment for Democracy and other government-sponsored organizations which are not perhaps fully under our control though obviously they get significant grants from the U.S. government (such as IRI, for example) are supposed to be promoting civil society, human rights and democratization—how well or poorly are they doing in your view?

Mr. KIREOPOULOS. I know from my work with the Advisory Committee to the Secretary of State that—I mean one of our recommendations that will be in the upcoming report are to strengthen the education of field officers, to make it part of their regular programming, to make sure there's an officer in every post, and to continually have the Ambassadors raise it. We identified that as a problem—as a current problem. I'm not speaking on behalf of the committee yet, because their report is not out yet. But that is one of our observations.

Ms. PAYT. If I may be quite candid.

Mr. SMITH. Please do.

Ms. PAYT. When I was living in Europe and trying to report on these incidents throughout the region, I always made contact with the American embassy and often times, I could barely get my foot in the door to make a record of these incidents of persecution, and sometimes very significant incidents, too, which really should have been noted—important information.

I believe the climate is changing now, and it's suddenly on the radar. I'm very grateful for that. For the first time I believe across the board that embassies will begin to seriously gather information about religious persecution in the countries.

Now, this is very significant because it's kind of a cycle. The American embassy must gather information for the country reports. Once the country reports are issued, then that determines a policy on this issue. If it's not in the country reports, often it won't be advocated for in the following year.

So I believe that, if anything, practically speaking we need to promote a really aggressive information gathering process on this issue if we want to see real strides made.

Prof. MARSHALL. I agree with the previous comments. There does appear to be a change in the situation, but the records, say, until last year following that up in this area have not been good.

If I may add, Mr. Chairman, I need to leave shortly to catch a plane, could I make the presumption of answering a question which you might want to ask which you asked earlier which was the one—the question of are we privileging human rights or religion in this area. I am generally a low-key person. This question makes me very annoyed.

As a simple matter of fact, every—to quote Jacob Heilbrun—every human rights program is special pleading for a particular group; that's what it is by definition. No human action is universal. We wish to defend all human rights of everybody everywhere is a principle; it's not a policy. Human action involves selection. Everybody does it.

The Secretary of State said the United States would focus particular attention to the right of women in a speech earlier on this year. PEN defends writers' rights, the journalist union defends journalists.

To take another example, in China it does appear that the U.S. administration took particular concern for political dissidents in its dealings there, rather than religious dissidents, though in terms of following the religious dissidents have a following many times larger than the political dissidents. I don't think that you should pick one or the other. But I'm simply saying the United States focused on particular ones. Everybody will. The question is which ones do you pick. What is the order of priority. Everybody has one. You cannot exist without one. I would say in *Their Blood Cries Out* I tried to document the neglect of this issue and I would say in the months since then that has reinforced my view that it is still the case that religious human rights are still comparatively neglected. A campaign on this issue is simply one to try and devote the same amount of attention to this issue as is given to others.

In terms of reportage in the newspapers, there's a great deal of newspaper reportage about what North Americans are doing and saying about these issues. But the number of original stories from other countries, especially dealing with the persecution of Christians, I can count on the fingers of two hands in the last 12 months.

So this is an issue which is not receiving attention in the media. It's not receiving attention in the academies. It's also my sense that unless there is political pressure and popular pressure, it will also die out as an issue in Washington. Unless there's pressure on this, it will be forgotten again. So I believe it is not specially privileging something. I believe it's an appropriate attention on something which has been neglected and I believe that pressure is vital; otherwise, it will disappear again. That's one of the particular reasons why, for example, with Wolf-Specter, for me my major interest in it is to some degree its effects in Washington, rather than elsewhere. People are going to have to be forced to pay attention to this or they won't do so.

Mr. SMITH. I appreciate your answering that question. I would invite the others to respond. The hierarchy argument regrettably is now being picked up by Members of the House as well. My good friend and colleague, who is the ranking member of my subcommittee, Tom Lantos, and others—and he has been undefeatable in his pursuit of human rights—have now picked up the Secretary of State and Assistant Secretary John Shattuck's statement of this hierarchy, which I think is as bogus as a three dollar bill. As you pointed out so well, Professor, every time we assert any human rights issue or person, we

are not diminishing what we deal with in any other category—I believe we advance the general cause of human rights with each specific advancement that we make.

I hope we can pierce this boil, if you will, before it becomes infectious and destroys our efforts on behalf of religious liberty, because it has that capability. I would hope that the administration would not manage this issue—which I think now they may be in the process of doing—so it becomes less effective than it could possibly be. One of the problems I have with consolidation of USIA and some of the proposals for the State Department, they look at managing the relationship with a given country as the prime reason for being, as opposed to caring for the dispossessed and human rights.

Nowhere was that more apparent and where I got a real insight than in dealing with U.S.–Romania relations in the 1980s. Nicolae Ceausescu was being defended as somehow different than the other Eastern European countries when they were doing grave and heinous things to their people, especially to religious believers. Tony Hall, a Democrat; Frank Wolf, a Republican, and I spent 3 years trying to get MFN lifted and we used a calibrated response. There was going to be an interruption of MFN until there was some real substantial changes. We pushed to get many people out of prison, many good things happened, but then others were incarcerated to replace them unfortunately. But, the State Department always took the view [that was under a Republican president and it hasn't changed regrettably] of “how can we best manage these congressional initiatives to mitigate the damage being inflicted on our client.” Clientitis took over and the concern was, “We don't want to offend Nicolae Ceausescu.”

Today, try to find anyone in the State Department who will speak so acceptingly of that brutal dictator now that he's dead; there's nobody. But during those 3 years, especially when we were pushing for MFN removal—and we eventually got it passed in the House and the Senate—you would think the sky were falling. I think we are going to run into that same kind of reaction in January, February and March regarding this hierarchy issue. Again, I think it's as fake, counterfeit and bogus as a three dollar bill.

When we went after apartheid we didn't suggest that we were hurting the cause of human rights in the Soviet Union or Czechoslovakia's Charter 77 or any of these other human rights concerns. The apartheid battle advanced the ball on all rights. I thank you for remembering that question and responding to it because it's so important that we lay to rest that fake argument.

Prof. MARSHALL. Thank you.

Mr. FOX. Can I just ask a question to the panel?

Mr. SMITH. Yes.

Mr. FOX. As a follow up—and I want to see—and I'm sure the Chairman and Congressman Pitts and each of us here today want to make sure that we advance the efforts to eliminate religious persecution. Do you see the U.N. as having a role here with hearing and regional and international means or do you see the Helsinki Commission—where do you see the next effort continuing? Because obviously we are going to do what we can within Congress, but that's only one country. Where do you see the worldwide effort?

Mr. KIREOPOULOS. All I can say is I went to a reception at the U.N. for Mary Robinson after she was appointed the New Human Rights Commissioner and I mentioned something about religious rights—I forget the exact comment—and she did not—it was a very vague response. It was not part of her agenda. Granted, internationally it's considered differently and maybe it will become part of her agenda.

I went to a meeting a few days later where she was the chairman and, again, when it was brought up, she avoided the topic as well. My hope is that it will become a serious part of the agenda of the Human Rights Commission. I know that human rights—the court has taken up certain cases in different countries and has upheld what we would consider—what we all would consider the right side of the human rights issue. So there are movements at lower levels. But at the top level there hasn't been yet and there should be.

Mr. PITTS. One last question: Does the issue of free speech and proselytism play a key role in government decisions to restrict religious liberty? If so, why? How do international human rights documents speak to this?

Ms. PAYT. I think that this is a very personal issue depending on what religious tradition you're coming from. If you come from a more liturgical Orthodox background, then it's considered strident and offensive. If you come from an evangelical or Protestant background, it's considered necessary. There's a natural tension between the two. I want to honor both traditions.

I have to speak from my own personal prejudice as a human rights advocate on behalf of free speech. Religious freedom is defined through the triune rights of speech, assembly and association, and speech is the primary and first of those three fundamental rights comprising religious freedom.

Therefore, I think that any infringement upon the restriction of speech is automatically suspect in this regard. I don't think it has a place—a proper place, anyway, within international norms.

Mr. KIREOPOULOS. Your question was does it, in fact, play a part in these kinds of laws. Well, yes, it does. What we would need to do, again, is change the perception that it is an actual threat. When it's perceived that “your” message tears “my” message down, then it becomes a very real threat that a very real person would respond to in a very real way, and this has happened countless times.

The need there is to encourage the other person or the other country to see it not as a threat and to say: No, free speech is something that is from God, inalienable—is a part of the human—a part that makes a human person—his dignity—the integrity of each human person. But still it takes on our part the need to educate the other party as to this matter.

Ms. PAYT. I absolutely agree. If I may just add one other thing to those observations, if registration is the No. 1 threat to the fundamental rights of association of assembly with regard to religious freedom, then certainly these new laws against proselytizing are the No. 1 threat to religious speech.

There's also a threat—there's another threat, too, to religious speech—free speech issues. That would be the restrictions on publishing and the dissemination of religious literature. So where you see the one prohibition on proselytism, you'll see the other prohibitions on publishing. I think they are all illegitimate ultimately.

Mr. PITTS. Do you have any citations from international human rights documents that support this?

Ms. PAYT. Yes. There's several. Just a general proposition: The spirit at least of the U.N. declaration on human rights guarantees free speech and religion and I think it begs this issue. There's several different declarations on religious tolerance and definitely the Helsinki Accords—the crux of it guarantees—proposes free speech. I think that any human rights document will either directly or circumstantially support the proposition that you cannot restrict religious freedom properly.

Mr. PITTS. Thank you. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Pitts. Any further questions?

Mr. FOX. No. I want to thank the witnesses for their outstanding testimony.

Mr. SMITH. I, too, want to thank our very distinguished witnesses, not just for the fine presentations you've made, but the work that you do day in and day out to advance this cause. We are very appreciative. It does help us as day-to-day the Commission staff and members work on these issues to get your very valuable insight. I also want to thank you.

Again, I also want to thank Father Rashford and St. Joseph's for accommodating us today. We do appreciate that.

Mr. Pitts, do you have anything further?

Mr. PITTS. No, just to say that I wish we had better coverage here in our community of this outstanding testimony. We've got some work to do in educating our own constituents and the public here. But thank you.

Mr. SMITH. Thank you all, once again.

[Whereupon the hearing was adjourned at 4:07. p.m.]

[Written insertions follow.]

APPENDICES

OPENING STATEMENT OF THE HON. CHRISTOPHER H. SMITH

Co-Chairman, Commission on Security and Cooperation in Europe
Ladies and gentlemen, distinguished witnesses, and members of the public, I welcome you to this Helsinki Commission hearing today to examine the "Status of Religious Liberty for Minority Faiths in Europe and the OSCE." In this 105th Congress, I am the Co-Chairman of the Commission on Security and Cooperation in Europe. Our Chairman, Senator Alfonse D'Amato, is unable to join us for this hearing.

Philadelphia, the "City of Brotherly Love," is an appropriate hearing location as the underlying principle of religious liberty is the second great commandment: Love your neighbor as yourself. Pennsylvania was established as a colony where religious minorities were free from persecution. In the heart of this historic city is the site of old St. Joseph's Church, the city's first Roman Catholic Church. The church, built in the 1700s, was the only place in the entire English-speaking world where public celebration of the Mass was permitted by law. In 1734, the Provincial Council of Pennsylvania successfully withstood the demand of the colony's Governor to outlaw this church. Through this legal challenge, religious freedom was permanently protected under Pennsylvanian law and this principle was later embodied in the Constitution of the United States.

Today's hearing is timely as the Congress and this Commission continue to be concerned about violations of religious liberty. On September 18, the Commission held a hearing on "Religious Intolerance in Europe" where we began to explore these issues. I look forward to our further discussions today. In November, the participating States of the Organization for Security and Cooperation in Europe met in Warsaw for the biennial implementation review of human rights agreements found in the Helsinki documents. There, the US delegation made a strong statement upholding the principle of religious liberty among countries in the OSCE and raised concerns in numerous bilateral and other informal meetings with various delegations. On November 16, tens of thousands of churches across this nation participated in a Day of Prayer for the Persecuted Church. I commend this effort and hope that this increased awareness of the issue will cause more believers to be praying for solutions to the crisis.

We can be thankful that it is no longer necessary for the Commission to maintain a list of religious prisoners, as we did a decade ago. The post-Communist era freedoms of religion, speech, and association are proof that the course of history can bring positive developments in individual freedoms. The trend over the last year, however, demands our attention and concern. We have witnessed restrictions on religious freedom in law and practice and in attitude. Today, we will hear testimony regarding the general climate of intolerance toward minority religious groups, often exemplified by harassment, discrimination, and threats by government security forces. There are three areas of concern where religious liberty is routinely denied: (1) the requirement for registration of religious groups; (2) the denial of religious free speech; and (3) the rise of intolerance and governmental interference with groups espousing a minority religion or belief.

Registration of religious communities

While the requirement of registration is not a *prima facie* violation of the Helsinki Accords, the very fact that a government can decide which religious groups may function as entities under the law represents a violation of the spirit of the agreements. A keystone principle found in the Helsinki process regarding religious liberty is the concept of non-interference by governments in the affairs of religious communities. When governments require registration for religious communities, they create the opportunity for arbitrary and capricious abridgement of religious liberty, both at the national and at the local level. Religious liberty merely becomes a privilege granted by the State whenever the State deems it appropriate. All too often, the requirement of registration becomes a *de facto* violation of the Helsinki Accords.

A few weeks ago in Warsaw at the OSCE Review Meeting, the U.S. delegation raised the case of Word of Life, one of the largest churches of the minority Christian community in Azerbaijan. The Azerbaijani Government continues to deny this congregation legal status, while its sister organization engaged in charitable work with the refugee population received registration a few years ago. A similar situation exists in Uzbekistan, where minority religious groups are refused registration and continue to face harassment by security forces. Pastor Denis Podorozhny has been imprisoned a number of times, and his congregation continues to be harassed by Uzbek security forces. In Bulgaria, the government continues to restrict the practice of a number of non-Orthodox religious groups. In Albania, minority religious groups, including the Evangelical Alliance, are also refused registration, severely hindering their ability to freely practice their religion. Macedonia recently passed a law that places stiff restrictions on registration of religious communities, including the requirement that a religious group have at least 100 adherents and refusing to register a community if it has the same creed as a previously registered faith community. Jehovah's Witnesses have been denied registration in a number of OSCE participating States, including Armenia, Austria, Bulgaria, Greece, and Latvia and have been subjected to various forms of harassment, including the prohibition on importation of religious literature and denial of the freedom to assemble for worship services.

In addition, certain participating States have established hierarchies under the law for religious groups. Of particular concern is the new law "On Freedom of Conscience and on Religious Associations," which, as written, would discriminate against minority religious faiths or beliefs, placing unacceptable restrictions on the freedom of the individual to profess and practice religion or belief. In the wake of this law, several disturbing reports have emerged, including a Jewish synagogue that was refused legal status on the basis of the new law and Baptist ministers in Ulan-Ude that have been told to submit their sermons to local authorities for approval. We will hear much more about that law from our witnesses.

Religious liberty infringements persist for the Christian community in Turkey, where members of minority religions, including Armenian and Syrian Orthodox believers, as well as Roman Catholics, Armenian, Chaldean, Greek and Syrian Catholics, and Protestants have faced various forms of discrimination and harassment, including the inability to obtain permission to build modern facilities or to renovate existing churches. With the recent visit of the Ecumenical

Patriarch to the United States, we are reminded of the plight of the small community of Greek Orthodox believers in Turkey and the repeated requests by the Patriarchate for permission to reopen the Orthodox seminary on the island of Halki closed by the Turkish authorities since the 1970s.

Religious Free Speech

Intolerance of individuals expressing alternative religious viewpoints has led to severe restrictions on religious liberty among the OSCE participating States. With angry charges of proselytism, many governments prohibit religious groups from engaging in free speech or printing materials intended to persuade individuals to understand and perhaps join a particular religious community. An analogy can be drawn to governments prohibiting political parties from persuasive speech intended to gain adherents to a particular political point of view. If governmental restrictions similar to those being placed on religious groups in many countries were applied to political opposition parties, these governments would be denounced as undemocratic and would garner an enormous amount of negative attention from the international community. Restrictions on free speech which contradict Helsinki commitments can be found in the constitution of Greece and in the laws of Azerbaijan and Armenia. In addition, religious speech is restricted in practice in Uzbekistan and Turkey.

It is essential to the freedom of religion that the OSCE participating States place the same priority on religious speech as political speech. The free exchange of ideas, whether religious, political or philosophical, is a basic OSCE commitment, a fundamental pillar of democracy, and a crucial underpinning for the freedom of religion.

Rise of Intolerance and Governmental Interference

There is a general rise of intolerance of minority religious beliefs in many of the participating States, which was the subject of the hearing the Commission held on September 18. In Germany, at least one charismatic Christian church has come under intense scrutiny by the local officials and the German Bundestag's Commission of Inquiry on So-called Sects and Psycho-Groups, has faced other forms of harassment, and has been the target of vandalism and threats of violence. Catholic believers face impediments to the practice of their faith, particularly in Belarus, Russia, Greece, Turkey, and Romania. Harassment, including police brutality and attacks and other hate crimes by extremist groups against Muslims have been reported throughout Europe, particularly in Germany, France and the United Kingdom. Muslims have been denied permits to build or repair mosques in the Czech Republic, Bulgaria and elsewhere in Europe, and Muslim women are frequently the subject of attacks, discrimination and other forms of abuse and harassment because they choose to wear a head covering. France's Parliamentary Commission on Sects has categorized Jehovah's Witnesses as a "criminal sect" for its prohibition against blood transfusions. Mormons continue to be the subject of continued acts of harassment, including confiscation of religious materials and assault in Bulgaria. The struggling Jewish communities in Eastern Europe are often made the scapegoats for the pain of the transition from centrally planned economies to market capitalism. This is exemplified by the rise in desecration of Jewish memorials and the increased activity of skinhead gangs throughout Europe.

In conclusion, religious liberty has been uniquely recognized and supported in the Helsinki process. The overall picture for religious liberty in the nations of the OSCE is much better than it was during the Cold War. Nevertheless, the limits that governments place upon free religious speech, the misuse of registration requirements, and the rise of religious intolerance all threaten religious liberty within the OSCE region.

Once again, thank you to our witnesses for sharing their time and expertise with us. I look forward to hearing your testimony.

**WRITTEN TESTIMONY OF
MOST REVEREND JOSEPH F. MARTINO**

Director, Office of Ecumenical and Interfaith Affairs, Roman Catholic Archdiocese of Philadelphia

Thank you, Mr. Chairman, for the opportunity to contribute to the Helsinki Commission's ongoing efforts to educate the American public about the important work of the Commission and the Organization for Security and Cooperation in Europe in promoting greater respect for religious freedom. The U.S. Catholic Bishops deeply appreciate your work on this issue because we believe, as Pope John Paul II has said, that religion is a "cornerstone" of the structure of human rights, an "irreplaceable factor" in both the individual good and the common good.

I do not purport to be an expert on this rather complicated matter, but I would like to present a broad overview of the U.S. Catholic Bishops' concerns about continuing problems, especially for minority faiths, in some European countries.

The bishops' perspective on religious freedom in Europe is based on our extensive experience working in the region and our close ties to the Catholic Church there. Our program to aid the Catholic Church in Central and Eastern Europe has given some \$37 million to help revive the life of the Church there, and has sent several hundred volunteers to work with the church in the region. Catholic Relief Services has provided relief and development aid to people of all faiths from the Balkans to the Far East of Russia. In addition, we work closely with the Catholic Bishops of Europe and the Holy See on matters of religious liberty, human rights, conflict, and ecumenism.

In all our activities, we first listen to the pleas of those who are suffering due to intolerance of religion and seek their counsel and advice on how we can help relieve their plight.

CURRENT AREAS OF CONCERN

As a general matter, religious freedom is protected more now than anytime in the past in most parts of Europe. The demise of communism in Central and Eastern Europe has led to a transformation in the area of religious liberty that has mirrored the broader transformation in that area since the fall of the Berlin Wall. Nevertheless, many problems of intolerance toward religion, particularly minority faiths, remain.

In my brief remarks, I will focus, with a few exceptions, on the situation of the Catholic Church, particularly in the former communist countries of Central and Eastern Europe.

Religious liberty problems in Eastern Europe today arise from a variety of sources: (1) lingering intolerance toward religion among former communists who have remained in the bureaucracy or have regained power; (2) the general difficulties involved in moving from communism to democracy and instituting the rule of law; (3) ethnic and nationalist conflicts with a strong religious dimension; (4) conflicts within and among religious groups; (5) the perception by some majority religions and governments that minority religions, especially so-called "sects," are a threat to national unity, cultural traditions, and/or social stability; and (6) widely different conceptions of religious liberty and church-state relations.

FOUR PRINCIPAL AREAS OF CONCERN DESERVE ATTENTION.

1. INTOLERANCE ASSOCIATED WITH ETHNIC/NATIONALIST CONFLICTS.

The nationalist-inspired “ethnic cleansing” of whole communities and the destruction of churches and mosques in Croatia and Bosnia-Herzegovina is a form of religious repression that was unmatched even in the darkest days of communism. Serious problems remain now that there is a semblance of peace. Authorities in Republika Srpska refuse to give permission for Catholic priests to return to minister to the Catholics that remain there. In Croatia, Catholic priests face limits on ministering in Eastern Slavonia due to resistance and threats from local Serbs, while some of the few Serbian Orthodox clergy who have attempted to return to Krajina have faced similar harassment.

These restrictions on pastoral ministries are symptomatic of the larger problem of the inability of refugees of all religious and national groups safely to return to their homes in areas where they would be a minority. Those who do attempt to return face harassment and violence, including several recent bombings of churches and mosques. The very survival of the Catholic Church in much of Bosnia is threatened by this failure to implement the right of return contained in the Dayton Accords; displaced Serbian Orthodox and Muslim communities face a similarly bleak future. Throughout Bosnia religious minorities face discrimination in housing, employment, access to the media, and other areas of life.

In Northern Ireland, religious freedom for all faiths is respected, but Catholics remain twice as likely as Protestants to be unemployed. Moreover, sectarian violence has taken on an all new dimension in the past year, as several dozen Catholic and Protestant churches and halls have been victims of arson, and Catholics going to worship in a parish in Harryville were harassed and intimidated for months by loyalist mobs. Fortunately, most of these sectarian attacks on churches have stopped in recent months.

2. RESTRICTIONS ON “FOREIGN” RELIGIOUS BODIES AND “SECTS.”

Laws in several countries restrict “non-traditional” religions by imposing special regulations on so-called “foreign” religions or “sects,” often at the behest of the majority religion.

The new Russian law on religion is a prominent example. This new law is a significant step back from progress made in the past decade on religious freedom in Russia. With the Catholic Church in Russia and the Holy See, we fear that this new law on religion will threaten internationally recognized freedoms of Catholics and other “minority” religious Groups. This law treats religious bodies differently according to the length of time they have been in Russia, their location and origin, and other factors. Particularly, problematic are the severe restrictions on the freedom to practice religion of religious organizations that cannot prove their existence over the course of at least 15 years. Moreover, those religious organizations appropriately or inappropriately declared “foreign” would be prohibited from engaging in liturgical or other religious activities, a provision which could severely limit normal functioning of many Catholic religious orders that are headquartered outside Russia. The law also constructs a pro-

cess of obtaining, legal recognition that is impossible, labyrinthine and onerous, and is open to arbitrariness and abuse in its implementation, especially at the local level.

Every effort must be made to ensure that the Yeltsin Government fulfills its promises that the law will be interpreted and implemented in a way that will respect the full and equal right of the Catholic Church and all religious bodies in Russia. At the same time, something must be done about the proliferation of discriminatory local laws on religion that pose a serious threat to minority religious bodies in Russia.

In Belarus, the Council of Religious Affairs has considerable discretion in excluding foreign religious workers. In January of this year, the government dropped its threat not to extend the visas of most of the 130 foreign Catholic priests serving there, but many priests could eventually be deported and the situation of some 100 Catholic nuns, who have been refused residence and work permits, remains tenuous.

In Bulgaria, some minority groups, such as the Mormons, have been refused registration. In Greece, the Catholic Church and other minority religious bodies have difficulty obtaining permits to operate houses of worship, permits granted only on the advice of the local Orthodox official.

In Turkey, minority churches also face difficulties gaining permission to acquire property, and operate religious institutions. The Ecumenical Patriarchate, for example, continues to be denied permission to reopen the Halki seminary, which has been closed for two decades. Just recently, the governor of Mardin has declared that the Syrian Orthodox monastery school may no longer teach Syriac, which is vital to the transmission of its cultural and religious traditions, and that monastic property, may no longer be used to provide hospitality to the many pilgrims to the area.

3. RETURN OF CHURCH PROPERTY.

The return of property confiscated under communism has been a contentious issue in most countries of the region. Fortunately, this issue has receded in importance as various formulas for return of at least some properties have been worked out. The property issue remains particularly problematic in Romania, however, where the Greek Catholic Church has faced obstacles in gaining restitution of its properties. Given the failure of an Orthodox-Greek Catholic commission to resolve this issue, Greek Catholic representatives are supporting pending legislation that would return certain properties in rural areas where there is more than one formerly Greek Catholic church.

4. Problems of implementation and enforcement of laws on religion.

In many countries, religious leaders, minority and majority alike, complain that administrative agencies or local Governments fail to comply with laws on religion or placing undue burdens on religious believers. This is mostly a problem in countries of Central and Eastern Europe where the rule of law is not yet well established.

CONCLUSION

In conclusion, I would like to offer a few suggestions for a constructive approach by concerned Americans to promoting religious liberty in Central and Eastern Europe.

(1) We should be careful not to impose a peculiarly American church-state model on countries of Central and Eastern Europe that have very different histories, cultures, and theological perspectives on this issue. As deep divisions in our own country reflect, there is no simple answer to the church-state question nor is there only one legitimate church-state model for protecting religious liberty.

(2) The efforts by some traditional churches to impose restrictions on foreign and minority religions, especially in Central and Eastern Europe, derive in part from a deep-felt sense of insecurity. Especially in formerly communist countries where religion was restricted for many decades, traditional religious bodies often feel that they are at a distinct disadvantage vis-a-vis Western groups with significant resources and expertise. These historic churches see the sometimes aggressive and insensitive activities of foreign groups as contemporary embodiments of centuries-old Western hostility. Those of us from Western religious groups must make a special effort to understand and show respect for the culture, history and Theology of these traditional churches. It is vital that we reach out to leaders of these churches, and even help them rebuild the life of their churches, rather than seeing, their countries and their congregants as fertile grounds for new converts.

(3) Ecumenism is in its formative stages in parts of Central and Eastern Europe. Western religious groups can contribute to this development by ensuring that our activities are undertaken in a spirit of ecumenism and by looking for ways to support ecumenical initiatives in the region. To highlight just one of many examples, in Bosnia the World Conference on Religion and Peace is assisting local religious leaders in forming an interfaith council that should be an important forum for renewing interfaith a dialogue in a post-conflict situation.

(4) Finally, U.S. policies must continue to press for adherence to the religious liberty commitments outlined in the OSCE's Vienna Concluding Document and other international commitments. The deep concern shown by the Clinton administration and Members of Congress for the Russian religion law is to be commended and should be replicated in other cases, where appropriate.

**WRITTEN TESTIMONY OF MICHAEL SLOTZNICK
PHILADELPHIA CHAPTER OF
THE AMERICAN JEWISH COMMITTEE**

Thank you, Mr. Chairman.

On behalf of the Philadelphia Chapter of the American Jewish Committee (on whose board of directors I sit), I'm pleased to welcome the Commission, and its witnesses and guests, to our city. You have our special gratitude, Mr. Chairman, for convening this important hearing.

The American Jewish Committee was established in 1906 to combat pogroms against the Jewish minority), in Eastern Europe and discrimination against the Jewish minority in the U.S. It's the oldest community relations and human rights organization of its type in the country. AJC today, has 50,000 members and 32 professionally staffed chapters nationally. The organization's wide-ranging domestic and international activities include data-gathering and advocacy with respect to civil rights at home and human rights abroad.

Of special relevance to today's hearing. AJC has conducted an extensive and long-standing campaign to end all forms of religious persecution abroad. AJC and its Jacob Blaustein Institute for the Advancement of Human Rights have enjoyed a leadership role in many pertinent areas framing internationally-recognized guarantees of religious freedoms, establishing international machinery to respond urgently to violations of religious freedoms, and empowering a wide array of secular human rights organizations with tools, strategies and support to enable them to respond promptly to violations of religious freedoms—for all religions, and in all world regions. AJC's Blaustein Institute has fostered efforts to provide case documentation on such abuses to those officials who can in fact help stop them. In addition, AJC has expanded its documentation and reporting activities by co-publishing, for the third year, the Anti-Semitism World Report, which examines conditions affecting minorities—all minorities—in more than 60 countries worldwide, including political and legal conditions as well as specific incidents of persecution and discrimination. AJC is also active in reviving Jewish communities throughout the newly independent OSCE countries, where those communities must function in new societies unaccustomed to democracy and religious tolerance.

As for my own experiences, Mr. Chairman, I'd like to talk briefly about overseas religious persecution from a local, grass-roots perspective.

The present hearing came about in part through discussions last spring that Charlie Dougherty—the former Congressman from Pennsylvania's 4th District—had with several of us from AJC's Philadelphia Chapter: Leonard Grossman, Dr. Murray Friedman (our regional director) and myself. Those discussions pertained specifically to the growing national movement concerning the persecution of Christians. Over a period of months we pursued that issue with Congressmen Pitts and Fox and yourself, Mr. Chairman, and when this hearing eventuated, we publicized it extensively, with the cooperation of the Jewish Community Relations Council of Greater Philadelphia. Through all of this, we've considered it quite necessary for the Jewish community, locally as well as nationally, to advocate on behalf of per-

secuted Christians around the world just as we protest the genocide of Muslims in Bosnia, and the persecution of Bahai's in Iran, Buddhists in Tibet and religious minorities elsewhere.

But why should Jews concern themselves with the persecution of other minorities? I would submit, Mr. Chairman, that all of us—Jewish and non-Jewish—know the answer instinctively. It's because the Jewish Bible, now three millennia old, demands a universal respect for individuals. Because Jews have long been at the forefront of the universal human rights movement. Because Jews possess a unique history as victims of persecution, and a corresponding empathy for the oppressed. Because Jews remember with gratitude those non-Jews who came to our aid during the fires of World War II, and who later helped us in opening the Iron Curtain for Jewish emigration. It's also because we know that silence is the enemy of justice and a cloak for repression. And that only if the rights of all people are protected will the rights of specific minorities be ensured, and future conflicts be avoided.

Mr. Chairman, we have been, and wish to continue to be, part of a mobilization of all faiths to fight religious persecution overseas.

We are honored to contribute to this hearing.

Thank you.

**TESTIMONY OF RABBI ANDREW BAKER,
DIRECTOR OF EUROPEAN AFFAIRS,
ON BEHALF OF THE AMERICAN JEWISH COMMITTEE**

The American Jewish Committee has long been among the most active organizations working to establish international norms to protect religious freedom, to devise policies and mechanisms to bring pressure to bear on government authorities to end religious persecution, and to see that the U.S. has fair and generous asylum policies when victims of religious persecution seek to come to these shores. We greatly appreciate the opportunity to testify at this hearing of the Commission on Security and Cooperation in Europe on "The Status of Religious Liberty for Minority Faiths in Europe and the OSCE."

In recent months you, Mr. Chairman, and other Members of Congress—as well as committed advocates representing a broad cross-section of the nation—have brought welcome and important attention to the plight of men and women around the globe who are suffering death, torture, or other grievous abuse of their rights because of their religious beliefs. Hearings before the House International Relations Committee earlier this year offered a number of views as to the steps that the United States should take to maintain its global role as a defender of religious minorities against persecution.

The subject of this hearing is broad and there is much that could be said. Perhaps the most useful contribution I can make today is to consider the experience of the Jewish community in working towards the rescue of the Jewish minority in the former Soviet Union, describe the present status of those Jews remaining in the republics of the Former Soviet Union and Eastern Europe, and point to the lessons to be learned in working to assist the religious minorities about whose plight you are addressing today.

As we all know, it was not too long ago that Jews were trapped in the Soviet Empire, unable to leave and denied the fundamental human right to live in accordance with their faith. The effort that ultimately, led to over one million Jews being allowed to leave was grounded most of all in the heroism of the Soviet Jewish activists and refuseniks themselves in seeking to leave the Soviet Union or to live their lives as Jews in the lands of their birth. But it was, of course, also grounded in an international advocacy movement—the grass roots efforts of hundreds of thousands of American citizens and others who made their voices heard in demonstrations and petitions, joined by the bipartisan efforts of successive Administrations and Congresses.

The leaders of the Soviet Jewry movement recognized the need to be inclusive, even as they addressed the needs of a particular group. Thus, the campaign was dependent not only on a broad array of Jewish organizations and individuals but also on the active support and involvement of Americans of all ethnic groups, religions and political persuasions, support and involvement for which we will always be grateful. But there was more to the campaign than petitions and mass advocacy. There was detailed and meticulously prepared documentation of the violations and instances of official persecution, and there was careful consideration of the goals of the campaign and the tactics that would best serve those goals.

The primary goal of the Soviet Jewry campaign was to permit the departure from the Soviet Union of those Jews who wanted to leave. There was widespread recognition that the Soviet Union was an op-

pressive, totalitarian state which needed to be reconstituted at its core, but the campaign was much more narrowly—and pragmatically—focused. The tactics adopted turned to legislative measures as a tool calibrated to lead to change, not as punishment for its own sake (deserved as that punishment might have been), and then only after public protest accompanied by quiet diplomacy proved unsuccessful.

Thus, the measures adopted by Congress in January 1975, the well-known Jackson-Vanik Amendment, which denied trade benefits if the right to leave was impeded, and the lesser-known but in many ways decisive Stevenson Amendment (which limited U.S. credits), were targeted not at the larger issue of the nature of Soviet society but at the narrower issue of securing the ability of Jews to leave. And while, to be sure, Jackson-Vanik was enacted over the objections of the White House and much of the foreign policy establishment, it was largely supported by Soviet Jewry, the population most at risk of an adverse reaction by the government towards which its provisions were directed.

But even as hundreds of thousands of Jews have left for Israel, the U.S., and elsewhere, many have now chosen to remain. The situation confronting Jews today in Eastern Europe and the states of the former Soviet Union is a varied and complex one. In some countries, such as Poland and Lithuania, for example, Jewish communities today are extremely small, numbering no more than a few thousand. They are only faint shadows of the large and vibrant Jewish world that existed before the Holocaust, and some would question whether their future can ever be assured if they are so few. In other countries, such as Russia and Ukraine, where their numbers remain significant, the reviving Jewish communities must still confront a vast array of problems stemming from decades of religious persecution, forced assimilation and official anti-Semitism. There are surely other differences, as well, and I am prepared to describe them in response to your questions, but for the purpose of these opening remarks, let me try to suggest some common problems that confront many of our fellow Jews in most of these countries.

1. The fall of Communism brought with it the elimination of the most egregious forms of state-sponsored anti-Semitism, which had severely limited opportunities for Jews in schools and employment, prevented most religious instruction and the training of teachers and religious leaders, and made contact with Jews and Jewish organization from abroad a punishable offense. But, anti-Semitism remains, albeit in different forms. Ironically, the new openness and press freedoms have also resulted in the publication of rabidly anti-Semitic newspapers and in the reprinting of classic works of anti-Semitism, such as *Mein Kampf* and *The Protocols of the Elders of Zion*. We have seen the development of political leaders and parties, espousing openly anti-Semitic themes and programs, and their presence may bear no relation to the number of Jews in these countries. To be sure, such populist manifestations of anti-Semitism are also not unknown to the communities of western democracies, but these countries and their leaders are only beginning to learn the importance of isolating and publicly condemning such activities.

2. The preservation of religious freedom and tolerance in America and elsewhere in the West is due in no small measure to the network of interreligious dialogues and cooperative activities and the official statements and actions on the part of religious bodies to reconcile

historical and doctrinal conflicts. Events such as the Second Vatican Council, which have had enormous positive impact on the state of Catholic-Jewish relations in the U.S., for example, had been unknown or ignored in the countries of Eastern Europe. The revival of religious life and the protection of religious minorities must be reinforced by expressions and actions of interreligious cooperation.

3. Though they are not alone in this, many Jewish communities lack the basic resources necessary to effect their religious revival. In nearly all the countries of the former Communist world, the question of restitution of Jewish communal property is still unresolved. In many cases, communities are still pressing for the return of synagogues and community buildings, which are essential for their current needs. Despite efforts of several years to reclaim it, the main synagogue in Minsk continues to serve as the city's Russian Drama Theater. (Its classical pillars, by the way, are adorned with the hammer and sickle, an addition that followed its original confiscation by the Communists.) The main synagogue in Kiev—which, we hope, will be returned to the Jewish community within the next few months—is known to its citizens as a puppet theater. In many cases, these properties are in the hands of local municipalities or private owners, which make their restitution a complicated matter, involving local as well as national government officials.

4. Finally, we must recognize that we speak about religious communities who have been deprived of the possibilities of education and training their own religious leaders for several generations. At the current moment the rabbinic leadership in the vast majority of these Jewish communities comes from abroad; many of the teachers and communal workers—and nearly all of the religious and educational materials and resources—come from abroad, as well. Over time, we hope that religious schools and institutions that are now being re-established in these will be able to provide religious leaders for the coming generations. But, in the immediate future they will continue to rely on support and assistance from the West, and we must be able to move back and forth freely and unhindered.

In a statement presented before the Secretary of State's Advisory Committee on Religious Persecution Abroad on July 2, 1997, Felice Gaer, director of AJC's Jacob Blaustein Institute for the Advancement of Human Rights reflected on the scope and causes of religious persecution worldwide, and made recommendations for U.S. policy in this area. With attention to manifestations of anti-Semitism but also to other ongoing instances of religious persecution I enclose a copy of Ms. Gaer's statement for your consideration, but I want to focus here on the recommendations that form the ten-point plan for responding to religious persecution with which the statement concludes because I think they incorporate some of the lessons of the Soviet Jewry movement.

The following are urged as the elements of a response to religious persecution

1. Strengthen the universality of all human rights norms, including those affirming religious freedom.
2. Go country-specific and situation-specific.
3. Get the facts, analyze the situation and convey concern over religious persecution when it exists.

4. At every U.S. embassy abroad, beef up the “field” presence and expertise on identifying early signs of religious persecution, preventing it and promoting religious freedom.

5. Strengthen existing human rights institutions.

6. Encourage interreligious contacts while maintaining stronger contacts with communities of faith within a country.

7. Promote specialized education at home and abroad about human rights and religious freedom.

8. Speak out and lead new initiatives wherever possible. At summit meetings, and other high-level encounters, the U.S. should expend greater effort to put religious freedom and other human rights into a position of prominence.

9. Work with new constituencies and build bridges: women, human rights, religious communities, business activists, and other local constituencies.

10. Review and revise asylum procedures and make them more fair, abroad.

It is these principles, in particular the concern that sanctions be country-specific and situation-specific, that that informed our review of H R 2431, a congressional initiative responding, to religious persecution. Knowing that we share with the sponsors of the legislation an abiding commitment to ending religious persecution, AJC’s president and executive director wrote to House International Relations Committee chairman Benjamin Gilman on September 24, 1997, to set forth a number of concerns that we have with that bill. A copy of that letter is enclosed.

In conclusion, let me again express our appreciation for this opportunity to present our views and recommendations I welcome the opportunity to respond to any questions or comments you may have.

Thank you.

**WRITTEN TESTIMONY OF ANTONIOS KIREOPOULOS,
GREEK ORTHODOX ARCHDIOCESE OF AMERICA**

I would first of all like to thank Senator D'Amato and Representative Smith, as well as all of the members of this Commission, for inviting me to speak today on the issue of "The Status of Religious Liberty for Minority Faiths in Europe and the OSCE." In addressing this Commission, I represent the Greek Orthodox Archdiocese of America.

Orthodoxy holds as one of its most basic principles the religious freedom of each and every person. This principle is rooted in our theology, specifically in our understanding of the human person, whose essential dignity, is found in the fact that we are all created in the image and likeness of God. This principle plays itself out in the respect thus accorded to all men and women, and to their beliefs.

The Greek Orthodox Archdiocese, then, as an American religious body, cherishes the principle of religious liberty that is enshrined in our Constitution, in our history, and in our very being as a nation. At the same time, as part of the worldwide Orthodox Church, and especially as an extension of the Ecumenical Patriarchate of Constantinople, we are impacted by the struggle for religious freedom in other countries by the simple fact that our fellow Orthodox Christians are directly involved in that struggle.

Perhaps the most glaring example of this is the bombing that occurred just two days ago at the Ecumenical Patriarchal Center. Fortunately, no one was killed, although a deacon was seriously injured and the Cathedral badly damaged. His All Holiness, Ecumenical Patriarch Bartholomew, was not at the Center when the attack occurred. The bombing, reportedly attributed to "Muslim radicals," was the third such attack in four years, the most recent being in September 1996.

The news of this latest attack was particularly troubling given the visit of Ecumenical Patriarch Bartholomew to the United States just a few weeks ago. As you will recall, while His All Holiness was here, he was received and honored precisely as a champion of human rights, and especially, of religious freedom, and as a man of peace, by the President and First Lady, the Vice President, the Secretary of State, and the United States Congress, which awarded him the Congressional Gold Medal. This attack was certainly a threat to all peace-loving people of the world, as well as to the religious freedom of all people everywhere.

What was also troubling was that this attack occurred less than a week after hearing reports from Istanbul that the Halki School of Theology, which belongs to the Ecumenical Patriarchate, and which was closed by the Turkish authorities in 1971, in itself a flagrant violation of religious freedom, was likely to be imminently reopened. What was cautious optimism for increased religious freedom has turned to fear of a continuation of the long-standing oppression of the Orthodox Christian minority in Istanbul.

In the discussion of religious liberty for minority faiths in Europe, many questions of course arise: of degrees of persecution; of perception and reality; of the historical and ongoing role of the Church in society; of established state churches and the treatment of minority religious groups; of social stability as a requirement for the successful transition to democracy; of different social philosophies and resulting social frameworks; of cultural clashes and ethnic conflicts; of peaceful coexistence, proselytism, and respect for indigenous faiths. I

raise these questions, not so much to address them in any systematic way, but to bring some perspective to our evaluation of issues relative to religious liberty.

For example, and perhaps I am anticipating questions from members of the Commission, much discussion has taken place in governmental and nongovernmental circles about the new law in Russia that regulates churches and other religious groups. Largely, the international reaction has been negative. And because it involves what has traditionally and historically been considered an Orthodox country, the question of the law's propriety is directed at Orthodox Churches.

The response of the Orthodox Churches by and large has been mixed. The Greek Orthodox Archdiocese of America, has, as an American religious body, on the one hand been concerned with the passage of this new law, both because it goes against our grain as Americans, and also because of the random acts of persecution that will likely occur—or have already occurred—in the name of that law. On the other hand, as part of the worldwide Orthodox community, we sympathize with the Russian Orthodox Church whose support for the new law was based on very real pastoral concerns.

Indeed, in one of his speeches during his U.S. visit, Ecumenical Patriarch Bartholomew, while not defending the Russian law, made a statement meant to start people thinking as to why such a law might be passed, and why, even though it generally would not be consistent with Orthodox ideals, it would receive the support of his brother hierarch, Patriarch Aleksy. He said: "In other parts of the world, the Orthodox have been deeply vexed by the proselytism of her faithful by communions to whom she has shown love and respect in America. In lands where the Orthodox Church is recovering from decades of persecution, a new threat to the Orthodox faith has appeared. Many ... missionaries from the West whose voices were not heard during the decades of oppression, have come not to lend support, but to convert Orthodox believers. Orthodox who had suffered for generations had expected the prayers, the support and the encouragement of their ecumenical partners Three hundred million Orthodox Christians seek the very guarantees of love and freedom that our sister churches have enjoyed in the name of religious freedom."

As a bishop and pastor, he could well have been asking: if the claim is true that more Christians have died for their faith in this century than ever before in the history of Christianity, can we so easily dismiss the Orthodox martyrs of the 70-year Soviet regime who made up the majority of this number? And, can foreign religious groups honestly, preach with a pure heart while they continue to ignore the history culture, and sacrifices of the people to whom they preach?

As a statesman, he could also have been asking: are the Russian people, whose identity was formed by the Orthodox Church, perhaps right to feel threatened by foreign groups just as they are trying to re-form their society? Or, can that nation afford the social tensions caused by these groups just as democracy is beginning to take hold?

Some may think that I am overstating the case. But it remains a fact that an overwhelming majority of the Russian Duma supported this law, including religious and nonreligious members alike. It remains a fact that this is how foreign religious groups are perceived by Russians, and most assuredly by people of other countries whose cul-

tures have been formed by their identification with particular religions and who are now confronted by an onslaught of groups seeking to convert them. And it remains a fact that, if religious freedom as we know, and love it in America is to truly be achieved in Russia and other places, answers to the above and other complex questions must be found.

To illustrate this point, I refer you to an essay in the *Christian Science Monitor*, dated October 28, 1997. In it the author paints a striking image. Looking out over a Siberian city as his plane was landing, he was pleased to see a new cathedral with a "giant, shining, gold dome dominating the skyline." Thinking it was an Orthodox church, because of its Orthodox architecture, he was later struck to find that it was a Baptist church. His reaction went like this: "How many gold-domed Baptist churches are there in the world? The philosophy behind such an unusual architectural decision is easy to guess. Gold-domed churches are what real churches are supposed to look like to people of the Orthodox culture. The Baptist church is deliberately confusing to the spiritually hungry and ideologically disoriented people of post-communist Russia, where visible forms of religious life were nearly completely uprooted during decades of state-sponsored atheism By building a church so clearly designed to attract people of the Orthodox culture ... local evangelists and their [foreign] sponsors inspire the feeling among Orthodox Christians that they, are trying to steal the souls of Russians whose destiny but for a 70-year communist detour would have been the Orthodox Church."

Whether or not his conclusion is correct is not the point. The perception, however, is real. Very real.

In conclusion, it is a fact that we cannot deny another's perceptions if we want to have honest dialogue. If we are to engage the Russians, or others, in a dialogue on religious freedom, we must understand their perceptions. If we seek to change their perceptions, we must confront the causes of these perceptions. It is only in this way that the principle of religious liberty will be served by the truth it deserves.

**SUBMISSION BY LAUREN B. HOMER, ESQ.,
PRESIDENT, LAW AND LIBERTY TRUST**

**THE NEW RUSSIAN LAW ON FREEDOM OF CONSCIENCE AND
RELIGIOUS ORGANIZATIONS**

1. CURRENT STATUS OF THE NEW LAW

The new RF Law "On Freedom of Conscience and Religious Organizations" was adopted by the RF State Duma on September 19, 1997, and by the Federation Council on September 24, 1997, and was signed into law by President Boris Yeltsin on September 26, 1997. (RF Law No. 125-F3.) It became official with its publication in *Russkaya Gazeta* on October 1, 1997. However, implementing regulations have not yet been finalized or published. It is the official position of the RF Ministry of Justice, according to Alexander I. Kudriavtsev, Chief of the Department of Registration of Religious Organizations, that the law cannot be effectuated until the regulations are issued in November or December of this year. The law states that all religious organizations created before October 1, 1997, must re-register before December 31, 1999, or can be liquidated. Art. 27.4.

2. PRINCIPAL POINTS IN THE NEW LAW

The new law greatly restricts religious freedoms of organizations that did not exist during the Communist period, introduces new and vague standards for evaluating the acceptability of religious beliefs, greatly restricts activities of "foreign" religious organizations and persons who do not have Russian citizenship, and generally reduces the level of rights given to all persons in the 1990 RF Law, which it replaces, and in the 1993 RF Constitution and international treaties and agreements of the RF, which are its "higher" law pursuant to the RF Constitution. However, it is encouraging that the RF Ministry of Justice is taking the position that it will implement the law so as to be consistent with the RF Constitution and its international treaties and agreements. The RF Ministry of Justice also has taken the position publicly that unlike the Communist period, where everything that is not permitted is forbidden, now everything that is not forbidden is permitted. Thus, they view the law as allowing many religious activities through other forms of legal organizations or without registration by private citizens. Less encouraging are the numerous initial reports that law enforcement agencies in Russian regions are trying to interpret and enforce the law in ways that are even more restrictive than its terms permit.

2.1 SCOPE OF THE LAW

The law applies to "legal relationships in the area of the rights of man and citizen to freedom of conscience and to freedom of creed, and also the legal status of religious associations." Art. 1. It is also the "supreme" law in this area in the Russian Federation. If local law conflicts with this federal law, the federal law prevails. Art. 2. The law takes the position that matters of freedom of conscience are within the exclusive jurisdiction of the RF. Id. However, the Constitution in fact gives some concurrent jurisdiction in this area to local governments. As interpreted by the Supreme Court of the Udmurt Republic,

in a challenge to an Udmurt law on religious organizations, this means that local laws are constitutional only in so far as they operate to increase rights, not if they restrict them. This is a key point that will have to be worked out in the RF Constitutional Court and likely in case by case challenges to local ordinances and interpretations of them.

Religious associations are defined in the law as those “formed with the goals of joint confession and dissemination of their faith and possessing features corresponding to that goal: a creed, the performance of worship services, religious rituals and ceremonies, and the teaching of religion and the religious upbringing of its followers.” In short, religious associations are churches, synagogues, and mosques, and not parachurch organizations, religious publication societies, inter-faith organizations, or other groups that engage in conduct motivated by religious belief or a desire to engage in religious instruction but not involving group worship and ceremonies. This definition of religious associations has been used since 1995 to interpret the 1990 law, via Ministry of Justice regulations, despite the fact that the 1990 law included a broader range of organizations within its scope and the fact that a broader range of organizations have been registered under the 1990 law.

2.2 BASIC RELIGIOUS FREEDOMS GRANTED BY THE LAW

The first five Articles of the new law list a number of rights possessed both by RF citizens and by “foreign citizens and persons without citizenship who are legally present” in Russia. Art. 3.1. They also detail rights of religious associations. The law specifically provides that Russia is a secular state and that there may be no state or compulsory religion. Art. 4.1. This is the case as well under the RF Constitution, despite the fact that the Preamble to the Law singles out Orthodoxy for its “special contribution ... to the history of Russia and to the establishment and development of Russia’s spirituality and culture” and also states its respect for “Christianity, Islam, Buddhism, Judaism, and other religions and creeds which constitute an inseparable part of the historical heritage of Russia’s people.” It is important to note that the Preamble has no legal effect and does not give all Christian faiths, for example, registration rights under the law.

The law provides for equality before the law, regardless of religious belief, that the state is to protect rights in this area, provide for tax privileges, and to provide material and financial aid in the restoration of religious structures that are cultural monuments, and to provide secular instruction on non-religious subjects in religious schools. It also provides for protection from compulsion in religious belief or being forced to disclose one’s views, for parental or guardian rights to oversee the religious education of children, and for secrecy of the confessional.

In comparison with the 1990 law, however, most rights are given to registered organizations rather than individuals, and the law contains many more restrictions than permissive provisions for individuals. Arts. 3.4, 4.3. Unlike the 1990 law, this law does not prohibit the creation of state bodies to regulate religious organizations. The rights to religious freedom may be restricted based on “the goals of defending the foundations of the constitutional system, morality, health, or the rights and legal interests of man and citizen, or of securing the defense of the country and the security of the state.” Art. 3.2.

3. RIGHTS OF RELIGIOUS ASSOCIATIONS

The law characterizes all groups of 10 or more “citizens” or “persons permanently and legally residing” in Russia and engaging in voluntary joint religious activities as religious “associations,” which may either exist as unregistered religious “groups” or as registered religious “organizations.”

3.1 UNREGISTERED RELIGIOUS “GROUPS”

Religious “groups” are limited to joint confession and dissemination of their faith, worship services, religious rituals, and teaching of religion to their own followers, rights typical of all Soviet era religious organizations. Art. 8.1. They may not register and do not possess the rights of a legal person (to own property, employ workers, enter into contracts) or many other rights given exclusively to religious organizations under the law. Id. A provision giving them the right to engage in charitable activities was deleted from an earlier draft of the law. The law states that premises and property for its activities may be provided by “participants” in the group, and that the group should notify local authorities about their commencement of activities if they have the intention of eventually transforming it into a religious organization. Based on information provided by officials of the RF Ministry of Justice, currently unregistered religious groups may not register until they have existed for 15 years, unless they can get an official document stating that they are part of a registered centralized religious organization. However, the Ministry states that they may register as some other type of non-commercial organization, if they wish to acquire property or obtain other legal rights.

3.2 REGISTERED RELIGIOUS ORGANIZATIONS

Religious organizations are religious groups that have legally registered. Art. 8.1. They may be formed by 10 or more “participants” (Art. 9.1 says by “citizens”) who are permanently residing in a particular territory, and three or more local organizations may create a “centralized” organization. Art. 8.2-4. Federal registration is given to centralized organizations with local organizations in two or more “subjects” of the RF—i.e. cities, oblasts, regions, while others must register locally. Art. 11.2, 11.3. Centralized organizations may also give the rights to exist as religious organizations to institutions that they form under their charter (for example, local organizations, governing bodies, educational institutions, publishing houses) and to unregistered groups. Art. 8.6. Rather ambiguously, the law provides that “organs of the State ... are to take into account the territorial sphere of the activities of a religious organization,” Art. 8.7, which may mean that even centralized groups may be restricted in the geographical scope of their operations to areas where they have been operating.

Religious organizations may be formed upon submission of an application that includes confirmation of 15 years of existence in Russia or membership in a centralized religious organization, and the application procedure follows current standards of requiring a charter and other documents. A new requirement is the need to state: “information on its basic creed and related practice, including the history of how the religion arose and a history of the said association” and “the forms and methods of its activity, its attitudes toward the family and

marriage, toward education, particulars of its attitude toward the health of its followers, restrictions on the organization's members and clergy as regards their rights and duties as citizens." Art. 11.5. If the supreme governing organization of a religious organization is located outside the RF, authenticated copies of its own organizational documents must be provided. Art. 11.6. Currently registered organizations applications are to take one month to process, while new applicants can be reviewed for up to six months and may be referred for state expert analysis. Art. 11.8. Religious organizations must file annual informational reports and must inform authorities within one month of changes in data listed in the state register of legal persons. Art. 8.9, 11.12.

Registered organizations are divided into three categories: (1) "Fifty Year" organizations that have been officially registered as centralized organizations for 50 years and possess full rights, including the right to use the words "Russia" or "Russian" in their official names; (2) "Fifteen Year" organizations that can show that they existed for 15 years in Russia and possess full rights under the law; and (3) "Newer" organizations that are currently registered but cannot prove 15 years of existence in Russia, which face annual reregistration and regulatory burdens and have limited rights under the law.

3.2.1 FIFTY YEAR ORGANIZATIONS

Centralized religious organizations (those with three or more subsidiary religious organizations) that can prove that they were "active on the territory of the Russian Federation on a legal basis for no fewer than 50 years," when they apply to re-register may use the words "Russia" and "Russian" and their derivatives in their names. Art. 8.5 (emphasis added). This right belongs only to the handful of organizations that were able to achieve registered and centralized legal status immediately after the end of World War II following agreements with Stalin to support the interests of the state (in 1947 or earlier). It includes the Russian Orthodox Church, Moscow Patriarchate, which regained its legal right to exist at about that time, and may also include the Union of Evangelical Christians-Baptists and a few other organizations. It means that the Russian Orthodox Free Church, and very a large number of other currently federally registered religious organizations will have to delete the word "Russian" from their names, which is viewed by many as insulting at the very least. It can be expected that fifty year organizations will also receive other unique rights when related tax, property, and mass media legislation is enacted.

3.2.2 FIFTEEN YEAR ORGANIZATIONS

The full range of legal rights granted by the new law are available only to registered religious organizations who can provide a document from local government authorities establishing that they their existence in that territory for over 15 years, or who have a document stating that they belong to a centralized organization—itsself presumably, but not necessarily (see below), composed of three or more local organizations that satisfy the 15 year rule. (Arts. 11.5, 8.4).

The key question is what sort of documentary evidence will suffice and to which organizations the rule will apply.

The Russian government has publicly stated, in communications to the OSCE among others, that "existence" can be established by showing that adherents of the group were jailed or arrested for their faith as well as by showing that they were registered by 1982 or earlier. The more difficult questions involve groups that existed in the pre-Communist era but were later virtually eradicated, such as Pentecostal denominations, Lutherans, Catholics, Orthodox Jews, and other groups. Does their existence prior to 1917 or 1933 constitute existence for more than 15 years or did they have to exist in 1982? Another issue is whether "existence" in one location gives an organization in a different location the right to re-register. For example, does the fact that there was one Catholic church in Moscow permit reregistration of Catholic churches in St. Petersburg? Does the fact that there were Lutherans or Pentecostals in Russia 15 years ago permit re-registration of all Lutheran and Pentecostal denominations or just those with ties to groups persecuted 15 or more years ago? Similarly, do groups that denominate themselves in terms used by Western Christian groups, such as Presbyterian or Methodist, or newer terms such as inter-denominational, non-denominational, or Charismatic, have the right to claim that since Christianity existed, they can re-register?

Another critical point are public and private statements that the fifteen year rule may be interpreted as not applying to any currently registered centralized organizations. For example, President Yeltsin's current advisor on religious affairs and the law's draftsman, Andrei Loginov, at a meeting at the Dutch Parliament in the Hague on September 28, 1997, stated: "[n]one of the 265 religious organisations already registered will have any problems," as reported by Canon Michael Bourdeaux, head of the Keston Institute in "Religious Freedom Russian Style," *The Tablet*, Sept. 1997, at 1216. Since there are over 14,000 legally registered Russian religious organizations and 265 or so registered religious "centers," he was clearly referring to the centers. There is no clear language to support this interpretation in the new law, but if it is so specified in the regulations, the situation is considerably less grim for most existing Russian religious organizations. However, 22 of the 55 denominations listed as registered on January 1, 1997, did not have registered religious centers, including many with one to four churches, such as the Anglican Church, the Mennonite Church, the Greek Catholics, the Armenian Orthodox, the Dukbors, Quakers, Tantrists, Zoroastrians, and also 232 non-denominational churches. *Religiya E Pravo* (Religion and Law), Jan. 1997, at 8-9. It is not possible from available data for this writer to know the extent to which the over 12,000 local religious organizations, monasteries and convents, missions, and other types of organizations are affiliated with currently registered religious centers, but clearly the continuation of 265 registered centers will give groups seeking full legal rights many options if this is how the regulations read.

Fully registered organizations have the rights to engage in a wide array of activities:

3.2.3 NEWER ORGANIZATIONS

Religious organizations that cannot prove that they have "existed" for 15 years and that are not affiliated with a currently centralized organization or cannot create their own centralized organization com-

posed of three or more “fifteen year organizations” will lose many significant rights. Art. 27.3. “Newer” currently registered organizations can re-register and have the rights of religious groups to meet for joint worship and to educate followers, and they can also own church property, carry out charitable activities, establish international contacts, carry out business undertakings, and hire employees to own property, and hire employees. Art. 27.3. However, they must continue to reapply for registration on an annual basis until the 15 year time period has elapsed—an exercise guaranteed to exhaust the resources of most organizations. *Id.*

Also, they are expressly deprived of many significant rights, including: the rights to equality before the law based on their religious beliefs, the right to substitute alternative service for military service based on their religious beliefs, the right to clergy deferment from military service in peacetime, the right to create professional (seminaries) and other educational institutions, the right to offer religious programs to school children outside the regular school day (which must in any event have parental approval), the right to have a representation of a foreign religious organization attached to their organization, the right to invite foreign citizens to engage in professional religious activities, including preaching, the rights to carry out religious rites in medical institutions, children’s and old people’s homes, or in prisons or other detention centers, the rights to produce, acquire, export, or import religious literature, video material, or “other articles of religious significance,” the right to produce liturgical literature and other liturgical articles, the rights to create cultural-educational organizations and mass media organs. *Id.*

Again, the interesting question is how the limitations in Article 27.3 will be interpreted and how cumbersome the re-registration process will be. It is clear that this provision is aimed at new and unknown groups and those that may not really be religious organizations at all but are seeking tax free status. (The latter are repeatedly ridiculed by Russian government and church officials as those who worship foreign computers or bottles of beer, notwithstanding the fact that several Russian religious organizations, including the Russian Orthodox Church, Moscow Patriarchate, receive huge sums from import activity conducted by subsidiary organizations in such items as liquor and tobacco.). It gives authorities at the least a right to learn about their activities during the past year and to evaluate any adverse reports concerning doctrines or practices prior to allowing them to continue to operate.

At meetings in Washington and elsewhere, officials of the Ministry of Justice have stated that, in accordance with the new rule that what is not forbidden is permitted, there is no barrier to organizations engaging in any of the activities forbidden by Article 27.3, if they are carried out by individual members or by related, non-religious organizations. If so, this would mean that a newer organization could set up its own separate publishing house to print and distribute religious literature, its own schools, and its own cultural-educational organizations under other Russian laws related to non-commercial, mass media, or educational organizations. It has also been stated to this writer that individual citizens may invite foreign religious workers to come visit. This interpretation is difficult to square with the obvious intention of the law, including its language in Article 20.2, which states

that religious organizations have the “exclusive right to invite foreign citizens for professional purposes, including preaching and religious activity.” Also, it will not negate the apparent inability to visit followers in old people’s homes, prisons, or hospitals, or to obtain clergy draft exemptions, among other limited rights.

4. GROUNDS FOR LIQUIDATING OR BANNING RELIGIOUS ORGANIZATIONS AND ASSOCIATIONS

The law provides an array of reasons for involuntary liquidating or banning religious associations, whether or not they are registered in Article 14. These include “frequent and gross infringement of the norms of the Constitution ... federal laws” and contradicting the goals set forth in the Charter of a registered organization. Art. 14.1 Organizations can also be liquidated for a range of offenses including undermining social order and security, actions aimed at destroying the unity of the Russian Federation, igniting of social, racial, national or religious dissension or hatred between people, forcing a family to disintegrate, infringement of the person, rights, and freedom of a citizen, encouraging ... the refusal on religious grounds of medical help to persons in life-endangering or health-endangering conditions (no reliance on healing prayer or exemptions for those whose faiths forbid blood transfusions or inoculations), hindering the receiving of compulsory education (no home schooling), forcing members and followers ... to alienate property for use of the religious association (mandatory tithes?), and inciting citizens to refuse to fulfill their civic obligations established by law (conscientious objection?) or to perform other disorderly actions. Art. 14.2 The law also prohibits in Article 3.6 “actions entailing coercion of an individual, calculated insults of the feelings of citizens in connection with their attitudes toward religion ... [and] conducting of public activities and distributions of texts and images insulting to the religious feelings of citizens immediately adjacent to objects of religious veneration.”

If these provisions were applied only to “hate speech” aimed at religious groups, they could do much good in light of currently virulent anti-Semitic and anti-missionary rhetoric. However, these provisions are vague and could readily be applied to restrict rights of newer religious groups in the current atmosphere of Russian life in which giving a person a free Bible is characterized as “coercion” and activities of foreign missionaries are accused of undermining social order.

5. LIMITED RIGHTS FOR FOREIGN RELIGIOUS ORGANIZATIONS, FOREIGNERS, AND NON-CITIZENS

The new law is somewhat ambiguous about the rights of foreigners and non-citizens. Article 3.1 provides that they have the same rights as citizens as long as they are legally present in Russia (Art. 3.1) and that they may form both religious groups and organizations as long as they are both legally present and permanently resident in Russia (Arts. 6.1, 8.1). However, Article 9.1 states that founders of religious organizations must be 10 or more “citizens.” If the law is read so as to make the provisions of the first three articles override the inconsistency in that provision, it essentially means that the rights of non-Russians turn on the legality of their status in Russia and the permanence of their presence. This will need to be clarified in the implementing regulations, but poses questions about the legal rights

of refugees (which are numbered in the millions in Russia today) and what constitutes “permanent” residence—citizenship, a propiska (supposedly now outlawed), a multiple entry visa, a refugee card, etc.

Foreign religious organizations are defined as those “created outside the confines of the Russian Federation and according to the laws of a foreign state”—in other words, a legal entity created by law of another sovereign state. Art. 13.1. These organizations are given the right to independently register “representations” of their organizations in Russia and need not rely on the good offices of a Russian religious organization, as was the case in the original draft of the law. Art. 13.2. However, these structures may not engage in “liturgical or other religious activities” or obtain the status of religious “associations” and any related rights to engage in religious activities. Art. 13.2. In short, they lack even the rights of unregistered religious groups. Thus, they have little purpose, except to give foreign organizations the very limited rights of representations, such as renting property, opening a bank account, and hiring a few employees. These organizations may also be attached to fifteen year organizations. Art. 13.5 and 27.3.

Under prior law, foreign religious organizations could only in theory register representations, since there was no implementing regulation. In practice, they could set up divisions of their organizations as fully registered Russian religious organizations, with foreign centers, which is still permitted, or missions, which also were registered. Thus, foreign religious organizations wishing to have a legal presence in Russia must set up Russian organizations, under the rules generally applicable, using legal and permanent residents, or possibly Russian citizens, as founders. Further, most current representations in Russia do not have the rights of legal persons (some registered during the interregnum period between the dissolution of the USSR and passage of new Russian law do so). They ordinarily operate as legal outposts of their foreign parent, which bear full liability for their actions. These provisions are, however, odd to say the least, and are inconsistent with the other provisions in the law that allows unregistered religious groups to engage in liturgical and other religious activities. It will primarily affect, in this writer’s experience, churches specifically set up as representations, including at least one outpost of the Orthodox Church in America, which is in turn an outpost of the Russian Orthodox Church, Moscow Patriarchate.

Finally, foreign citizens who wish to come to Russia to engage in “professional” religious work, such as preaching, may come “exclusively” at the invitation of registered religious organizations that satisfy the 15 year rule, unless the law is interpreted differently as mentioned above. Also, whether they can be invited to engage in non-professional religious work, e.g. lay evangelism, charity, translation, etc., remains to be seen. Clearly, if organizations that do not satisfy the 15 year rule need to rely on foreign clergy, they will have serious problems.

6. INCIDENTS AND THE BROADER PROBLEMS

While much of the foregoing may seem rather optimistic, in light of potential generous interpretations of the new law, it is important to keep in mind the underlying reality of Russia. The background to this legislation is an extreme position taken by the Moscow Patri-

archate that all of Russia is its historical canonical territory and that no other Christian denominations have a legitimate place in Russian life. Further, some elements in the “red-brown” political groups believe that the Patriarchate sold out by allowing legislation this innocuous to be adopted and may press in the near future for more restrictive terms, closer to the “throw all the foreign missionaries and sects out” tone of rhetoric and propaganda on this subject.

This is certainly the tenor of recent incidents, in which extra legal attempts to shut down currently registered churches, such as an Evangelical Lutheran Church in Khakassia, were rebuffed but they were promised that they would be shut down eventually. There are many other examples, which cannot be detailed here, involving disruptions of worship services by “militant” Orthodox clergy and parishioners, extra-legal orders to cease meetings, canceling leases of worship space, etc. (The recent refusals to register several groups appears to this writer to be justified by the lack of implementing regulations, but that has not been the justification given by local authorities). Moreover, the local and regional laws are even more restrictive than the national legislation, and will have to be dealt with via federal governmental action or case by case litigation.

7. MEETINGS, UNIONS, AND OPPORTUNITIES

During October, Law and Liberty Trust hosted a round table in the Dirksen Senate Office Building at which Senator Gordon Smith, Senator Sam Brownback, and Congressman Joseph Pitts, leading officers in the area of religious freedom from the State Department, and many Congressional staffers addressed leading officials and churchmen charged with religious organization regulation in the nations of Russia, Ukraine, Belarus, Bulgaria, Romania, Czech, Slovakia, and Greece. They were informed about the text of the resolution offered by Senator Gordon Smith to the Foreign Appropriations Act and adopted in August that would have cut off all U.S. aid to Russia if the new law was adopted. Senator Gordon Smith told them that, based on high level inter-governmental communications, he had offered legislation amending the text of the resolution and making the cutoff contingent on whether or not it is implemented so as to disadvantage minority groups. Similar legislation was introduced by Congressman Asa Hutchinson during the same week. All stressed our nations deep love and commitment to the Russian people and desire to see it become a rule of law state, which honors its Constitutional and international commitments to religious freedom.

The Smith amendment was adopted as part of the Foreign Appropriations Act and provides:

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF RUSSIA SHOULD IT IMPLEMENT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

Sec. 577. (a) None of the funds appropriated under this Act may be made available for the Government of the Russian Federation unless within 30 days of the date this section becomes effective the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government

action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

(b) This section shall become effective one hundred fifty days after the enactment of this Act.

The reference to "President" in the law is presumably to U.S. President Clinton, although the earlier draft of the text referenced President Yeltsin. It is not yet known what procedures will be implemented to determine whether "as implemented" the law is discriminatory, who will make the determination, and how other foreign policy interests will be taken into account.

LLT hosted a meeting in the Helsinki Commission conference room on December 1, with Ludmilla Selezneva, Chair of the Peace and Democracy Department at the Russian Humanities University in Moscow, who firmly believes that the religion law has become a sort of lightning rod for nationalistic feelings in Russia and that implementation of the law could backfire, encouraging further repressions and possibly harsher legislation by nationalistic and communist deputies in the Duma. We are unable to reach a firm conclusion on this issue but generally believe that continued engagement, support for democratic interests, and involvement in implementation issues will be preferable to implementation of sanctions.

We learned at the October meetings that virtually all of the former Soviet republics and Eastern European countries are considering similar legislation and thus that the United State's government's response to the Russian law will be closely watched. All branches of the U.S. government have been consistent in stating that this is a matter of the utmost significance in U.S.-Russian relations and that if U.S. citizens are mistreated or thrown out in large numbers that there will be inevitable consequences.

This writer has also participated in a small group advising the State Department on these issues and participated in numerous academic meetings in Washington, D.C., and in Atlanta, GA, on issues relating to the new law. The Emory International Law Journal will be doing a special issue on the new law and on religious human rights that will appear in early 1998, including an article by this author and Larry Uzzell of the Keston Institute in Moscow on the Russian regional laws.

In Moscow, a new group has been formed called the All-Russian Movement for Freedom of Conscience and a Secular State. This group includes the Moscow Helsinki Group, which is over 30 years old, and many human rights and religious activists, including Anatoli Pschilenstev of the Institute for Religion and Law, Vladimir Rhyakovsky of the Christian Religious Center, and Fr. Gleb Yakunin. Law and Liberty Trust and other NGO's are seeking funds to help this group set up a nation wide religious liberty monitoring, education, training, and legal intervention program. They are also planning to challenge the new law in the Russian Constitutional Court and are soliciting reports on violations of the new law. They have received many but no constitutional court filing has been made as yet.

8. WHAT TO DO?

Our advice to religious organizations already working in Russia is to wait for the implementing regulations before attempting any organizational restructuring or re-registering, to report any untoward incidents to us or to the Christian Legal Center and Institute for Law and Religion in Moscow, to seek to determine whether their organization or related organizations may have currently registered centers with which you can affiliate or whether they can satisfy the 15 year rule in some other way, to re-register as a non-commercial organization, if their work is clearly outside the scope of the new law or if they are plainly unable to register as a religious organization, and to seek in all ways to comply with all aspects of Russian law, in so far as it is in their power.

In sum, the new Russian law is a major setback to religious freedom in Russia. However, if it is implemented so as to be consistent with the RF Constitution and international treaties, as the Russian government has promised, it may not be as draconian as first appeared, and even newer religious organizations may have a variety of legal options for registration. We continue to support international efforts to assist Russia in becoming a law-abiding state, based on the rule of law, and its citizens in achieving their rights through legal mechanisms available to them, including litigation.

Law and Liberty Trust is a U.S. Section 501(c)(3) organization founded in 1990 with the objective of helping the people of Russia and other former Soviet republics obtain religious freedom and of presenting information on how Judeo-Christian principles can assist in re-establishing the rule of law and social stability. Its founder and President, Lauren Homer, is a 1977 graduate of Columbia University Law School, with broad corporate litigation and international experience. LLT engages in monitoring and reporting on legal developments affecting religious organizations, in providing testimony and other information to the U.S. government and other interested NGO's and religious organizations, and in frequent communications with foreign leaders in this field. Its sister organization, International Law Group, provides specific legal services to religious and humanitarian organizations concerning their work overseas. We hope that our work will support "bringing the perfect law that gives liberty to the nations" (James 1:25) and that as a result of the collective efforts of us and many others God's ways will be known in all the earth, his salvation among all nations (Ps. 67:2). Law and Liberty is a Christian organization dedicated to supporting all denominations and faiths, including the Russian Orthodox Church, in this complex transition from control by a totalitarian, atheistic state to self-determination and real liberty.

WRITTEN SUBMISSION BY SHARON PAYT, ESQ.

RELIGIOUS PERSECUTION BY NATIONAL GOVERNMENTS IN EASTERN EUROPE AND CENTRAL ASIA: AN “ON-THE-GROUND” PERSPECTIVE

INTRODUCTION

This presents a rather personal perspective regarding the treatment of minority faiths in Eastern Europe and Central Asia. I hope to address two primary topics. First, this describes the “on-the-ground” dynamics of persecution by national governments, and its effects on minority religious communities. This includes vignettes of those who struggle with the challenges inherent to being branded an outlaw organization with an illegal status due to religious affiliation. Second, this also discusses the common governmental infringements against the fundamental rights of speech, association and assembly, which define free religious practice. This summarizes with a call for advocates and an admonition for diligence, because so many are relying on the strategic advocacy of so few, which can and does result in significant, positive change.

BACKGROUND

As an attorney, I specialize in human rights advocacy for religious minorities internationally. After the demise of communism, I had the unique experience of residing throughout Eastern Europe for more than 2 years where I engaged in “on-site” advocacy as a lawyer for persecuted religious groups. In that capacity, I represented leaders and communities experiencing religious persecution, sometimes severely, from national governments. They suffered a myriad of offenses that ranged from imprisonment and dramatic incidents of church closures, to property confiscations and scurrilous media campaigns in the state-sponsored press. Intervening “on-site” at the point of conflict, I negotiated legal strategies, accessed international human rights resources, and “publicized” events of persecution in the West, including Washington, DC.

I offered my services to both Jewish and Christian communities, but mostly represented Christians since they were experiencing the worst conflict at that time. By definition, these groups were minority faiths comprising less than five-percent of the population, mostly Protestant, and considered “new” religious movements in contrast to more traditional groups such as Christian orthodoxy. They were commonly labeled as “cults” or “sects” by these post-Soviet societies, even though by contrast, they would be considered mainstream Evangelicals and Pentecostals in America.

I typically resided with an indigenous religious leader or missionary family experiencing persecution, and networked among the various denominations which were also suffering the same. I lived for extended periods in Azerbaijan, Russia, Albania, Bulgaria, and the Czech Republic, and have also traveled in or worked for communities in Uzbekistan, Kazakhstan, Macedonia, Estonia, and Armenia, among others

GOVERNMENTAL PERSECUTION OF MINORITY COMMUNITIES

After the "Wall" fell, many Eastern European countries failed to implement a bureaucratic purge, and governments were still largely staffed by communist-era bureaucrats from the national to local levels. (Actually, this is a situation which still persists today throughout Eastern Europe, although selected countries have conducted more successful purges than others, such as the Czech Republic.)

Broadly stated, one or more generations of communist governance left its imprint. An historic and generational atheism as official doctrine promoted by the State produced a natural animosity towards religious communities, which still exists today within governmental traditions. Moreover, the rule of law regarding religious activities still reflects Soviet-style inartfulness, and can be arbitrary and harsh. These combined influences of bad law and unsympathetic law enforcer continue to result in serious infringements upon religious activity.

Juxtapose this antagonistic and controlling legal atmosphere, with the startling growth of new religious communities, and religious freedom abuses are inevitable. Some underground churches which during the communist period may have had 20 or 30 members, within one to two years after the Wall collapsed mushroomed into huge congregations of up to 1,000 or more people. They frequently held services in centrally located "culture palaces" or other larger structures such as, ironically, the former KGB building in downtown Baku, Azerbaijan. The new religious groups were thus highly visible, centrally located, sometimes very large, and unlike anything anyone had publicly seen for at least one, or more, generations.

Many countries had never experienced the vibrant expression of new religious communities, and it was termed "offensive" or "culturally insensitive" by the suspicious and hostile. Certainly many such groups were guilty to varying degrees. Yet, it is also fair to observe that such offense-taking may result from the natural animosity produced by this uniquely odd phenomenon of religion in a post-atheist society. It is also compounded by virtually no sociological experience of public worship other than highly liturgical faith expressions.

Simply put, religious activities is still threatening to "old-line" bureaucrats who are seriously concerned with their inability to control its growth. Officials throughout these regions often repeat the same observation. They are genuinely afraid of large groups becoming larger still, and their governing tradition of tight control is viscerally challenged. (This does not dismiss the other factors which can fuel persecution, such as the variance from traditional, orthodox religious expression or even truly cultish activity which is seriously harmful.)

This provides a broad overview of the nature of state-sponsored religious persecution which continues to occur throughout the former Soviet Bloc, including Eastern Europe and Central Asia. In context, innocent expressions of religious activity considered benign in the West brings the full force of a national government down upon a single group or denomination. A typical scenario of state-sponsored persecution and its effects on one religious community is provided below.

WHAT GROUPS DO WHEN THEY BECOME ILLEGAL

A religious group which fails to obtain legal registration from the national government must sometimes go “underground.” Thus, consider this anonymous composite illustration of a relatively large church of 500 people which has been denied legal status somewhere in Eastern Europe or Central Asia, and is forced into meeting secretly.

First, the church profile: The church has probably been meeting for less than six years and the pastor may be extraordinarily young (perhaps in his mid-twenties) even though the congregation is large. (500 people would be considered a significant size in this region.)

The church membership is comprised of mostly women (about 70%), is mostly poor or very poor, and is typically very young (teens and early-twenties) or retirement age. There are few if any professionals and hardly no middle class participants who are also mid-age. In their registration trouble, local lawyers are reluctant to help them since the group is considered “politically incorrect.” The only real professional help they can expect is from the indigenous Helsinki Committee or a struggling human rights group, unless someone intervenes from the West.

The church has probably been renting a “culture palace” somewhere in a central location, and having lost legal registration will be denied further occupancy.

Almost all larger venues are still state-owned, and the government will immediately terminate the rental agreement. It’s not unusual for groups to move their locations every two months because of such harassment. They frequently also meet in movie cinemas. If privately owned, it’s common for national government personnel to harass or even threaten the property owner unless they refuse future rental to the religious group.

Now the group is officially illegal and prohibited from meeting openly. If they do, their leadership can be arrested immediately, perhaps even in front of the congregation. Although this is rare, the specter looms large. In Bulgaria for example, the pastors were hauled away in handcuffs by security police in front of the congregation on a Sunday morning while preaching, thrown into jail and forced to sign false confessions which were then published in the state-sponsored press.

Or consider the young pastor in Tashkent, Uzbekistan who has been arrested twice in the last year for conducting unregistered church services. The last incarceration placed him in a dirt-floor cell the size of a queen bed with eleven other cellmates. He was refused legal counsel and outside contact for the twelve days of jailing, then released with one warning. If caught conducting one more unregistered service, he would be incarcerated for 3 years under similar conditions.

This group of 500 thus decides to break up into smaller cell groups which will meet in private apartments. These weekly meetings will be attended by 15 to 20 people, led by a lay member. The small groups are safer since it’s easier to identify infiltrators. When the congregation was meeting publicly they were frequently visited by personnel from the national security force. It should be noted that several countries have national personnel dedicated to monitoring religious activity, and will attend church meetings for that purpose.

These 25 to 30 cell groups may gather monthly, or less, at a clandestine location for a mass meeting. If the pastor is being seriously watched, extraordinary precautions will be taken. Sometimes such mass meetings are held late at night, outside of town, in an open field-or in a forest. Some meetings are set with very intricate security precautions. In this case, our cell group leaders are the only ones who know the eventual destination, and individually lead their small groups through different routes to a forest 1 1/2 hours outside of town.

The congregation meets secretly together tonight in a forest outside of town. Even though it is December and very cold, they will sing a cappella for one hour then listen to preaching for another two hours, all standing, few leaving. The pastor will preach on a stump, and there are watchers at the groups' fringe to stand on alert for security forces. Sometimes it rains and it is very cold, but they continue the service anywhere.

They may continue like this for years until they achieve registration, get caught, or become tired. Others will continue regardless of the great personal cost to family, career and personal safety. Ms month, somewhere in Eastern Europe and Central Asia, congregations will meet similarly. This will occur in some of the more stridently offending countries. Such difficult places include Uzbekistan, Turkmenistan, Bulgaria, Romania, Albania, Macedonia, Armenia, and Azerbaijan to name only a few. All are party to the Helsinki Accords which is frequently the most significant human rights document available for purposes of religious freedom advocacy.

RESTRICTIONS TO FREE SPEECH

The relatively abstract notion of religious freedom is practically expressed in the triune rights of free speech, association and assembly. Freedom of speech is fundamental to the free exercise of religion; conversely, a primary human rights abuse by governments often relates to religious speech restrictions, particularly in the area of sharing personal religious convictions. It should be noted that there is a general trend to popularize the notion of restricting the sharing of religious belief.

The public debate in Europe presently flirts with the argument that such activity is unprotected speech, and should be can be dismissed as troublesome proselytism. Of course, the absurdity of this argument is apparent, and free religious expression presupposes the right to speak with others outside of a congregational setting.

Other dangerous trends against free speech include increasingly onerous restrictions on religious publishing and dissemination, such as is modeled in the new Russian Federation law. Unfortunately, this may become more common as other countries throughout the former-Soviet Bloc adopt this approach.

REGISTRATION: RESTRICTION',; OF ASSOCIATION & ASSEMBLY

While 'speech' is, the first of three essential rights comprising religious expression, the remaining two are association and assembly. These address the right to form a group, and the right to physically gather together. Unfortunately, national registration requirements are still routinely used to control religious activity, and unduly infringe upon these two fundamental practices of association and as-

sembly. In fact, it can be said that the frequently onerous registration process mandated by national governments is the primary human rights infringement upon minority, religious activity in Eastern Europe and Central Asia today.

During communist governance in Eastern Europe, religious activity was harshly- controlled through the registration process. Unfortunately, this vestige of traditional governmental control continues throughout the region.

Typically groups must register with national governments to be recognized as a legitimate organization. Failing this status, a group is labeled 'illegal', acquires an 'outlawed' status, and suffers a wide range of consequences. Such consequences

can include incarceration, property confiscation, and dramatic closures of group assemblies, among other punishments. Most of the time, it simply gives local official carte blanche for endless harassment, if desired. Even if no official action is taken, it still comprises a patent breach of international norms and the Helsinki Accords regarding religious freedom guarantees. This is good reason enough to challenge this practice of arbitrary registration denial by national governments.

Particularly egregious, the Russian Federation's new law on religion revisits the restrictive approach of an earlier communist era, particularly regarding registration. A "15 year rule" is imposed upon groups, mandating proof of existence for at least that long, as a condition precedent to full corporate status. A string of prohibitions follow wherein unregistered groups cannot engage in significant charitable activity, publicize or distribute religious literature, sponsor foreign speakers, institute schools, contract, rent or own property, employ, or maintain bank- accounts, among other crucial corporate rights. Equally distressing, respected Russia-watcher Lawrence Uzzell of Keston Institute observes that, "[t]he new law gives them ample discretionary powers to withhold state registration altogether on the basis of a long list of vague criteria that virtually beg to be abused: for example, that a church promotes 'religious dissension.'" (The Washington Post, November 2, 1997)

Thus this new, Russian law represents the single largest regional risk to the freedom of religion by reason of bad influence: It could substantially reverse the trend away from democratization, and towards a new era of oppression and control of religious activity. It is anticipated that several other former Soviet nations will follow suit. Presently, at least six countries are seriously considering revising their laws towards this unfortunate Russian model. Other countries have already implemented similarly onerous provisions within Eastern Europe.

ADVOCACY

I would like to advance one particular form of human rights advocacy which has not been frequently employed but can be tremendously successful. Namely, I would like to encourage frequent short term visits by advocates who are willing to travel "on site" throughout this region. and engage in diplomatic intervention with national government officials on these issues. This has proved to be an extremely effective means to encourage governmental compliance with international norms.

This approach accomplishes several things. First, information gathering is facilitated and provides fresh insights into the dynamics of government-sponsored persecution. This information, in turn can then be further "publicized" in the West.

Moreover, embattled indigenous groups frequently need outside assistance. As observed, particular countries may afford slim human rights resources. For example, in some countries in Central Asia, it is difficult to access international human rights documents. Linking up to the Internet may even be prohibitive at \$5 per modem minute because the closest node for the Internet server is hundreds of miles away. This is an impossibly large cost when the average salary may be \$50 per week. By contrast, a visiting advocate can empower indigenous communities with information, resources, contacts, and international documents not available in the country.

Most importantly, frequently an outside advocate is needed for lack of willing activists on site for these issues, as mentioned earlier. Contact should be made throughout the persecuted religious community, crossing denominational boundaries and even religions, as needed. A holistic approach is very effective because persecution occurs across the religious spectrum, and when one group is hit, others will experience the same. Contacts with journalists are also very helpful because infringements of press speech often accompany religious practice infringements by governments.

Visits by Americans and Europeans to government ministers responsible for religious issues and internal security can substantially improve conditions and potentially crack open a door of freedom for many to walk through. These countries stand in the tension between democratization or nationalism, and continued dialogue with government officials can be a surprisingly significant influence.

Cooperation with Helsinki Commission personnel is crucial, which is sometimes the only human rights resource available, to its credit. The indigenous Helsinki Committees can be crucial articulators for many who have no voice, including embattled religious communities. Western advocates should aggressively coordinate with 'in country' Committees for purposes of empowerment and synergy.

I close with the observation that sometimes, in certain places, many rely on the strategic advocacy of a few, which can and does result in positive, significant change.

**WRITTEN STATEMENT OF PAUL MARSHALL,
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**FACTORS SHAPING RELIGIOUS FREEDOM IN THE EASTERN
HELSINKI AREAS**

1. THE NATURE OF RELIGIOUS FREEDOM

I will not attempt to give details about particular countries, situations and incidents but instead concentrate on outlining some major factors affecting religious liberty in these areas.

This requires some clarification of what religious liberty is, a task that is not as simple as it might at first appear. Religion is not an isolated corner of life: indeed it is often the centre of life. It shapes what people do in economics, in education, in families and in politics.

This means that freedom of religion necessarily involves rights beyond those that explicitly mention religion. Freedom of speech and freedom of the press are essential to religious faith. Similarly, freedom of association is vital to any communal expression of faith. Without these protections then any mere freedom of worship can easily become irrelevant. The arenas of religious liberty often occur in social arenas far removed from places of worship: they can be in families, universities, workplaces and, especially, in schools. Religious liberty is a question of the degree to which people are free and able to live out their beliefs in their lives. We should not confine it to personal or ecclesiastical matters.

This means that defending religious liberty is often not so much a task additional to other human rights concerns but rather requires continuing our ongoing work with intensified attention to religious factors and actors.

There is also the question of the political dimensions of religion, which is especially a factor with some Islamic movements, who are repressed in Turkey, the Caucasus and Central Asia (not to mention the former Yugoslavia). In some (not most) cases these movements may be violent, in which case it may be questioned whether it is actually religious persecution to repress them. In general, following the example of Amnesty International, I will focus only on those who suffer for the peaceful expression of their beliefs.

Religion is also usually intertwined with other concerns. Anti-Semitism is both racism and religious discrimination. The conflicts in the former Yugoslavia (and Northern Ireland) are simultaneously religious and national (in this setting "ethnic cleansing" is really "religious cleansing"). Tensions involving ethnic Russians living in the new countries in the CIS area also invariably involve religious tensions of Catholic/Orthodox (the Baltics) and Muslim/Orthodox (Central Asia, the Caucasus).

There are few cases where religion is the only factor in a conflict: religion is usually intertwined with ethnic, political, territorial, and economic concerns. We need to be aware that there is a continuum of factors and to be sensitive to all of its dimensions.

At the same time we must beware of reducing religious tensions merely to other factors. This is particularly true for secular western academics, who have great difficulty in acknowledging religion as an important factor in its own right in social and political order and

change. Especially we should be cautious about defining religious conflicts as “ethnic,” a particular trait of Americans, since the U.S. is so focused on racial and ethnic matters. One useful way to demarcate religious persecution or discrimination is to ask whether some or all that people suffer would be happening to them if they were of some other religion. Religion has its own role to play, both good and bad, and introduces several crucial issues. Some of these are:

1. We need increased knowledge of religious histories, tensions, discrimination and oppression. Often this may simply involve becoming educated about the religious composition and dynamics of these societies. Since much American higher education in the political sphere has assumed that religion is a historical phenomena that was going to go away as we become enlightened, this has been a weakness in much of our political analysis. As a consequence diplomats, journalists and human rights groups, while perhaps doing excellent work in other areas, have sometimes not been well equipped to deal with religious issues. The sufferings of journalists and political dissidents are often closer to hand and therefore more apparent. While dramatic instances of persecution attract attention and action, we can miss the ongoing restrictions and harassment of groups often considered marginal to the overall society, especially if, like, for example, Jehovah’s Witnesses, they are uncongenial to many. In addition, any group labelled with the term “fundamentalist,” the latest American addition to pop sociology, can usually expect to have its concerns trivialised and its grievances ignored.

2. We need to focus on human rights which come to the fore in the religious sphere. These are, especially, freedom to worship, to maintain places of worship, to propagate one’s faith, to change one’s religion (which means that religion should never be treated as if it were only a matter of culture), to raise one’s children in the faith, and to maintain an individual and communal life which manifests one’s belief.

3. We need to highlight discrimination which occurs on religious grounds in the protection of human rights and in opportunities to be involved in political and social life. This also requires attention to situations where states refuse to make allowances on religious grounds to social practices which are otherwise required (for example, conscientious objection to military service).

2. FACTORS IN RELIGIOUS FREEDOM

There are widespread local factors in violations of religious freedom: these include expansionist states, as in the former Yugoslavia; local bureaucratic restrictions (throughout the area); communal violence and banditry; internal chaos which prevents the exercise of rights (Central Asia and the Caucasus); the lack of the rule of law due to inadequacies in and delays in developing legal systems (Belarus); historical political tensions- Greece and Turkey, Armenia and Turkey. Beyond these there are broader factors which make religious freedom problematic. Some major factors are:

- a. Repressive Strains Within Orthodox Christianity
- b. Militant Islamist Movements
- c. The authoritarian legacy of Communism, now often combined with nationalism.
- d. The right to propagate one’s religion

The real world does not of course present its problems to us in these discrete categories. All of these factors are closely intertwined historically and politically. Nevertheless I hope it will be helpful to give a brief outline of these elements.

A. REPRESSIVE STRAINS WITHIN ORTHODOXY

Much of Eastern Europe and the C.I.S. has been moulded by the view that government control of religion is simply the normal state of affairs. Communist domination schooled generations to believe that the state had to impose basic doctrines. Even many who opposed communism, and suffered for it, still yearned not for an open society but merely for state enforcement of different beliefs.

In many cases Communism perverted long established traditions in Orthodoxy. Orthodox churches often have seen themselves in the most literal sense as the continuation of the Holy Roman Empire, a divinely ordained social order with a divinely ordained ruler. For a thousand years after the fall of Rome the eastern Orthodox branch of the Empire continued in Byzantium. It was centred in the "second Rome," Constantinople (now Istanbul). After the fall of Constantinople, Moscow became the "Third Rome," its rulers married into the family of the Byzantine Emperor and took on the Roman title of Tsar (Caesar).

Consequently, while Protestantism and, more recently, Catholicism have, in principle at least, supported religious freedom and equality, Orthodoxy continues to intertwine church and state in a "symphony," united in their joint mission. This union has conditioned many Orthodox to accept and even welcome state imposed practices. There are notable exceptions, such as Gleb Yakunin and, certainly, all religious bodies at times succumb to state pressure. But the Orthodox intertwining of political and ecclesiastical roles gives it less reason to reject such pressure. This is not helped by the fact that many Orthodox Bishops, particularly in Russia, are shaped by cooperation with the Soviet regime.

Orthodoxy's authoritarian strains are tied to its strengths. It emphasises continuity from the time of the Apostles and it struggles to maintain this heritage faithfully. But it often cannot deal well with new situations and can react defensively and repressively when it feels threatened. Orthodoxy also gave cohesion and identity to many eastern nations while under Islamic rule (it is well to remember that much of Eastern Europe was ruled by Islamic governments for several centuries and, in some cases, that rule only ended this century). Muslim rule provided some degree of religious freedom, sometimes unknown at the same time in the west, by allowing a measure of self government for recognised religious communities as long as they remained under the Islamic umbrella. But this also put ecclesiastical authorities in the position, whether they wanted it or not, of being the governors of the internal affairs of the religious/ national community. One consequence was reinforcing the tendency for Orthodoxy to identify itself with the nation and the nation with itself. Other religious bodies, whether Catholic, Protestant, Islamic, Jewish, or newer religions, can be treated as "foreigners" and interlopers.

Some results of this are that the Romanian Orthodox Church has sought to be declared the "National Church" and, on a local level, minority religious groups such as Baptists have been physically at-

tacked. Patriarch Elias II has called for only the Orthodox Church to be recognised in Georgia. In Bulgaria the government discriminates against Protestants and new religions, and there are bureaucratic restrictions and invidious media propaganda. The Ukraine experiences tension between Orthodox and Catholics, and there has been street violence between rival Orthodox groups. The Armenian Apostolic Church is, under a 1991 law "the National Church of the Armenian people" and, in 1995, there are increasing attacks on minority religious groups (Jehovah's Witnesses, Protestants, Baha'i, Hare Krishnas). In Belarus, President Aleksandr Lukashenka has written a letter outlining a repressive religious law parallel to Russia's, and appears to have the support of the Orthodox Church. Meanwhile Serbian leaders manipulate Orthodox sentiment to justify their actions in the former Yugoslavia.

The recent Russian national law to restrict and regulate "non-traditional" religious influences has had strong Orthodox backing. (Such laws are already common at local and regional levels). In terms of background, there is certainly an influx of troubling -- acts into Russia (including the Aum Shinri Kyo, which has been convicted of the nerve gas attacks on the Tokyo subway) as well as some disturbing home grown movements such as the White Brotherhood. Domestic non-Orthodox and dissident Orthodox bodies have also expanded. Meanwhile, some evangelical missionaries (certainly not all) have been very insensitive to Russian culture and ignored the historic role and place of the Russian Orthodox Church, as well as long-standing Russian evangelical bodies.

Dimitry Pospelovsky, borrowing from Patriarch Alexei, describes these newcomers as "Churches competing with each other, trying to outdo each other, taking advantage of the economic bankruptcy of the Orthodox Church and, as it were, buying converts by offering free English-language classes, credits to businessmen, and food parcels for converts, in which American fundamentalists are actively engaged, makes religions in the eyes of the average Russian no better than traders in the marketplace." This picture is rather exaggerated, being based largely on Patriarch Alexei's description of an American group who tried to rent Red Square for a religious pageant at Easter, 1991.

But there are other, more sober descriptions which, nevertheless, convey something of the tensions. Michael Bourdeaux says there were "innumerable people who humbly and genuinely wanted to help Russia reestablish the roots of its faith. Their quiet dedication was often swamped by the insensitivity of others. Cohorts of disparate foreign preachers were to be found roaming the streets of the major cities, employing brash evangelistic methods and backed by what to Russians seemed limitless reserves of capital ... foreign agencies bought not just air time, but sometimes even whole radio stations. Foreigners who had never learned a word of Russian, who did not know the history, the classics of literature, or the particular richness of the Russian Orthodox tradition, suddenly launched themselves at an unsuspecting public genuinely eager for something spiritual to fill the void left by communism..." Many Orthodox regarded them all as intruders, even including the Catholic Church and other bodies such as Baptists, who have deep roots in Russia.

We can sympathize with the Ecumenical Patriarch, Bartholomew I of Constantinople who, in late 1995, on his first official visit to the World Council of Churches, was disappointed by the "unfriendly actions of some Roman Catholics churches" and "many Protestant churches as well." After enduring fifty to seventy years of pitiless persecutions," the Orthodox had expected "fraternal support or at least understanding" instead of being "targeted" by missionaries. As Rev. Leonid Kishkovsky has said, many Orthodox have a sense of "being wounded" by other Christians competing with them in Orthodox regions (*New York Times*, Oct.25, 1997)

The Orthodox Churches have risen from a nightmare which few of us can imagine. They are emerging into a world where ideas and movements are spreading rapidly in areas they had previously regarded as their own. And they are emerging shaped by a history which has given them little experience for dealing with it. This does not justify all current Orthodox attempts to reassert religious hegemony. But it should give us a greater ability to understand it, and greater patience as we observe it.

However, the only effective solutions to such problems are via genuine dialogue and the revitalization of the church itself. As is shown by experiences elsewhere, and by Russia's own history, legal repression is not only unjust, but is likely to make the situation much worse. This is demonstrated in other eastern European countries where Orthodoxy maintains a strong influence.

Such pressures are not confined to the old Warsaw Pact countries. In Greece many Orthodox Bishops back political discrimination against other religions, while the government has even set its secret service against non-Orthodox. Old Calendarists (dissenting Orthodox), Jehovah's Witnesses and evangelicals suffer discrimination. The discriminatory laws enacted under the Metaxas dictatorship (1936-1940) are still in force and are occasionally applied. The Revised Constitution of 1975 prohibits "proselytism" of any "known religion." In 1992 Greece became the first European Union member to be condemned by the European Court of Human Rights for violations of religious freedom.

B. MILITANT ISLAMIST MOVEMENTS

While there is, as yet, no real Islamist government in these areas, it is important to understand the growing Islamic dynamics. We cannot comprehend many features of Islam if we treat it in terms more suitable to an understanding of a secularised Christianity. There is no "church" in Islam and so any attempt to confine religion to the church is doomed to fail. In Islam God gives the rules for human conduct. In particular it spells out the laws which should govern human society. In this sense Islam speaks much more directly to the state than it does to the "church," hence the frequent emphasis on Sharia.

A common western label for militant Islamic movements is "fundamentalist" -a word dredged up from the American past and with dubious provenance and meaning even there. In modern usage it has heavy psychological overtones and seems merely to mean "religious maniac": someone to be psychoanalysed rather than listened to. It is a term that obscures far more than it reveals.

Islam is a diverse religion which covers many continents, has had many political forms, and at times has shown great toleration. Especially Christians should also remember some of their own history. Even in the eighth century, at the height of early Islamic expansion, Jews and Montanist Christians fled to Arab lands to escape persecution by the Byzantine Emperor. In the sixteenth century European wars of religion the Calvinists of Hungary and Transylvania preferred the rule of the Turks to that of the Catholic Hapsburgs.

However even this toleration was a protected status that, while in the past preferable to many of the available alternatives, if practised now creates a distinct second class status for non-Muslims. Adherents of the other religions of the Book were allowed to live within the Islamic community and would be protected. However they could not challenge the overall hegemony of Islam, had to pay additional taxes, and suffered from a variety of discriminatory measures and controls in family law, court cases and everyday customs. In the modern world such practices are a clear violation of international human rights standards.

So far there have not been any successful moves to form militant Islamic states in Eastern Europe and the segments of the CIS with large Muslim populations. Nor have there been concerted attempts to reinstate older forms of Islamic tolerance. However, in central Asia there is communal violence coupled with local repression by authoritarian leaders who are holdovers from Communist days. In Uzbekistan there are restrictions on the freedom of non-Muslims (particularly Protestants, Baha'i and Jehovah's Witnesses) and restrictions on importing Bibles. In Krygystan there is local violence and repression, but not, apparently, systematic governmental action. In Uzbekistan and Turkmenistan the persecution of minority religious groups seems to be tied to broader political repression and ethno-linguistic differences.

However, in many cases, there is a popular and growing idea that to be a central Asian is to be a Muslim. In Azerbaijan the Azeri identity is increasingly tied to Islam, not least because of war with Armenia over the territory of Nagorno-Karabakh. But, by and large, these countries, including Kazakhstan and Turkmenistan, have treated most religious groups equally, if equally badly. Especially since Iran and Turkey (as well as China, Russia and the United States) are competing in efforts to influence the area, the future is uncertain.

Turkey itself is often described as a secular state, but non-Muslim groups have been repeatedly harassed and suffered discrimination. At the beginning of the century the Christian population of Turkey was estimated as 32% but by 1991 the figure had fallen to 0.2%. Most of the rest had emigrated due to the pressures of life as minorities. Turkish law continues to discriminate against non-Muslims and, with the growth of the Muslim-oriented Welfare Party, the situation may grow worse.

C. RELIGION, NATIONALISM AND AUTHORITARIAN STATES

The place of communist ideologies has often been filled with a virulent nationalism as holdover leaders have sought to maintain legitimacy for their authoritarian regimes. This can take the form of re-

hearsing national grievances or victories and often incorporates religion as a national bulwark. This takes its worst form in the former Yugoslavia and the Caucasus, but is also increasing in Central Asia.

Apart from outright violence, this authoritarianism usually adopts the communist assumption that the activities of civil society are properly under the direction of, and subject to control by, the state/party. This legacy continues as a mania for registration, even by otherwise well meaning governments. Non registered religious groups are usually forbidden to operate, and there are many roadblocks to such registration, even beyond the common bureaucratic problems that still pervade many of these countries. These problems can exist at the local level even if not present in national laws. In Albania there is pressure to recognise only the Orthodox, Roman Catholics and Muslims as official religious bodies. In the Ukraine many groups, including the Ukrainian Autocephalous Orthodox Church, and any "foreign" groups, have found it very difficult to register.

In Turkey the government is repressing Islamic cultural life (including schools) in the name of "secularism." Meanwhile, the Syrian Orthodox Church, since it was not an official minority listed in the 1923 Lausanne Treaty, is not given permission to operate its own schools, as do the Armenian, Greek and Jewish communities. In many cases, such as the Yugoslav Republic, the old socialist laws and secretariats for religious affairs continue.

Currently this passion for control allies itself with nationalism. In an echo of the Reformation compromise of *cuius regio, eius religio* (who is the ruler, that will be the religion) religion is treated as a type of state, national, or cultural possession. Sometimes ethnic repressions are hard to distinguish from religious ones, since they are subtly interwoven. In Armenia those outside the Armenian Apostolic Church are increasingly being described as "foreign." In Bulgaria the head of the Baptist Union says the Orthodox Church "believes evangelicals ... are destroying their culture." In Moldova the Moscow Patriarchate has resisted the Metropolitan Church of Bessarabia's wishes to be under the jurisdiction of the Romanian Orthodox Patriarchate in Bucharest, Romania, as it was until the 1940 annexation of the region by the Soviet Union. Many Serbs view conversions to Catholicism as "surreptitious movements toward Croatization." Even Lutherans are regarded as "Croats." In Kosovo Serbs complain about religious repression by the Muslim majority.

The relations of ethnicity, nationalism and religion are usually complex, and often can change quite rapidly. In Central Asia, the Government of Kyrgyzstan has banned the main Islamic community. In Uzbekistan, Islam Karimov's government has detained Muslim leaders and closed down mosques. In Chechnya the major religious leaders (Chief Mufti Alsabekov of Chechnya and Russian Orthodox Patriarch Aleksy II) made a joint declaration appealing for peace and declaring that they were not engaged in a religious war. But, since religion is a powerful mobiliser, appeals to it are increasing (as in other regions of the Caucasus) with results that may parallel the nightmares in the Balkans.

It has been said that the differences between Serbs, Croats and Muslims is (was?) that the Serbs don't to the Orthodox Church, the Croats don't go to the Catholic Church, and the Muslims don't go to the Mosque. Religion was an external rallying cry rather than an

inner belief (70% of Serbs are not even baptised). Now, under the pressure of war, religious identities are becoming stronger, particularly among Muslims. In Croat and Serb controlled areas widespread religious repression has been added to the other brutalities inflicted on the population. But even here the roots of animosity are more than traditional religious, or even "ethnic," hatred: after all these populations have managed to find some way to live together for centuries, and there are 50,000 Serbs who chose to stay in Sarajevo and be shelled by their ostensible compatriots. Cynical political manipulations by otherwise secular politicians have played a major role in destabilising the situation. Slobodan Milosevic was a communist functionary for many years, not an Orthodox zealot. Ratko Mladic was a hard line Communist General in the Yugoslav Army. Communist functionaries have used nationalism to exploit religious divisions in order to consolidate their own power while expanding their political reach.

D. THE RIGHT TO PROPAGATE AND CHANGE ONE'S RELIGION

Even when they share a religious confession with some of the local inhabitants, believers who come into a country at a later time can receive treatment very different from that of longer term residents. This is also true of anyone who changes, or wants to change, their religion. This is a particular problem in the Muslim world and in situations where a country has identified itself with a religion.

We can distinguish between the treatment of "indigenous" minority religious groups, "foreign" groups, and converts. Long standing religious minorities are often given freedom to operate, even if with a second class status. Recently arrived or incoming groups are, as noted above, often dismissed as "foreign" and hence restricted. Someone who changes, or wants to change, his or her religion can receive one of the worst fates, since they are pictured as apostates and betrayers. This also means that one of the major occasions of conflict is attempts to propagate one's religion—sharing one's beliefs and trying to convince others to accept them. It faces people with their differences and so can arouse deep seated tensions. Hence it has few friends and many enemies.

The two largest monotheistic religions, Christianity and Islam, seek to persuade others, as do other groups such as Jehovah's Witnesses and many of the newer religions. But in this they often stand alone. And while, in recent years, most Christianity, in principle, allows people to leave the faith, much Islam usually will not. Otherwise open Muslims often draw the line at witness to Muslims, or at Muslims who change their religion. Even secular Westerners, though they often support other religious freedoms, can share the views of nationalists who see all religion simply as part of an ethnic or national "culture," and therefore treat attempts to propagate one's religion as a form of foreign imposition or cultural intolerance. This is one reason why the topic needs a little more attention here.

While religion and culture nearly always have some relation, we need to resist the temptation to make any simple equation of the two, or to treat religion as a permanent geographical fixture. Religion is often quite fluid: after all, the major religions we are discussing in these areas originated in the Middle East. It must be remembered that currently "Christian" areas of Europe (and North America) had

different religions before, and these previous religions had in turn displaced many of those before them. Over half of Europe has been controlled by Muslims for much of its history.

The rights to witness to one's religion (which is, after all, only the right of free speech) and to change one's religion are guaranteed in international human rights standards. The first international legal case involving such witness was the 1993 Kokkinakis case, where a Jehovah's Witness arrested in Greece was sentenced to three months in prison for "the act of proselytism on members of another faith." The Greek Constitution provides "that there shall be no proselytism in religion." On appeal the European Court of Human Rights emphasised that Article 9 of the European Convention on Human Rights "included in principle the right to try to convince one's neighbour" and the Court ruled against Greece.

The United Nations Human Rights Commission's current clarification of article 18(1) of the International Covenant on Civil and Political Rights emphasises "the right to replace one's current religion" and says "the freedom to ... adopt a religion (is) ... protected unconditionally..." and "cannot be derogated from, even in time of public emergency..."

The defense of the rights to propagate one's beliefs and to change one's religion need to be a priority, especially because they have few friends.

3. THE FUTURE

The geographical zone extending through the Balkans, the Caucasus, and Central Asia falls along one of the major boundaries of what Samuel Huntington has called "The Clash of Civilisations." One does not need to accept all of Huntington's thesis (I don't) in order to acknowledge that these zones are the meeting point of very different religious and cultural histories and have a history of tension and conflict. While none of us knows the future, and the future is itself shaped by our own choices and actions, there is, as far as I can see, no reason internal to the region to think that this situation will change easily or soon.

In this situation it is important to pressure governments about unjust practices and particular cases of persecution and discrimination that violate the Helsinki Accords and other international human rights standards. Combined with this we need to press for ongoing legal reform, including but not only the protection of individual rights.

But there are also other dimensions which are important. In several countries, the laws already on the books give a paper guarantee of religious freedom already. Further improvements in religious freedom can come about not so much by legislative changes themselves, though there should be such, but by different attitudes on the part of government functionaries.

We also need to be sensitive to historical trends and communal values, especially as these are not going to go away any time soon. It is important to call for and support openness by religious movements themselves and to encourage moves to internal religious reform. Religious freedom will be helped to the degree that Orthodox churches resist an identification with the state. This doesn't mean adopting

some pallid imitation of western liberalism or Protestant individualism, but it does mean openly facing a world where different religions will coexist in the same lands for the foreseeable future.

The areas of openness within Islam also need to be encouraged. The cause of religious freedom in the Islamic world will be stronger the more legitimacy it has in Muslim eyes, and increased openness that can draw on the possibilities within Islam can make the world better not only for other religions in the Islamic world, but also for Muslims themselves.

Authoritarian nationalism may in some ways be a more difficult phenomenon since it often simply stands for the opposite of what I am advocating here and does not really draw on an overarching standard. However, for this reason, it may be more susceptible to outside pressures. In any case there are more than enough problems and therefore more than enough work for us.

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